



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.52763 of 2024
Date of decision : 28.10.2024

Amritpal Singh @ AmritPetitioner
Versus
State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. G.S. Bajwa, Advocate, for the petitioner
(Through VC)

Mr. Anup Singh, AAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.35 dated 11.3.2024, under Sections 363/366 of the IPC (Sections 376/506/201 of IPC and Section 6 of POCSO Act, 2012 added later on), registered at Police Station Cantonment, Amritsar, District Amritsar City.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Statement of Amarjit Singh alias Rinku son of Shingara Singh resident of village Hematpura police station Lopoke district Amritsar aged 40 years stated that I am a resident of the said address and I work as a vegetable seller by visiting the street | have 4 children, 2 sons and 2 daughters, the eldest is Manpreet Kaur who is married, the younger boy is Gurpreet Singh and the younger girl Kajal Kaur is 16 years old, who has passed the



ninth class and I am a poor man and because of that I it was difficult for me raise my children's. Due to that my daughter Kajal Kaur was residing at the house of Tilak Raj Walia's son Jagdish Chand Walia resident of 100/101 Holy City Paradise Amritsar. She was residing there since 1 year and we used to meet her off and on. On dated 07-03-2024, Tilak Raj Walia told that he went to Upane Ashram office and came back at 2.30 a.m. and saw that Kajal was not present in the house. I and my family members searched a lot for my daughter Kajal but we could not find any information and we suspected Amritpal Singh son of late Satwinder Singh resident of Hematpura ASR from our village. That he has abducted my minor girl Kajal, who was chased her a few days ago. And we make him understand and close the matter. Thereafter, we inquire from the house of Amritpal Singh and their family members told us since 07.03.2024 from the morning he has not returned the home. Thereafter, we searched our daughter but we could not find her today we came to know that Amritpal Singh alongwith our daughter has come to district court Amritsar for marriage. So, I alongwith my family member as arrived as District Court, Amritsar where we saw that Amritpal Singh alongwith my daughter Kajal was present at the main gate of Court Complex, after seeing us he fled away from the spot alongwith my daughter Kajal. My daughter told me that on dated 07.03.2024 at about 12:01 PM in the morning Amritpal Singh took her away on the protest of marriage from her house at Holy City. And today he brought her to record her statement in the Court through his Advocate. And she appeared before the Hon'ble Court and submitted her documents relating to age proof. Today I have brought my daughter before you for legal action. Amritpal Singh has committed an offence legal action may kindly be taken.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 11.3.2024. Learned counsel has further submitted that there the petitioner is a young man aged 24 years with no criminal antecedents. Learned counsel for the petitioner has iterated that there was consensual friendship between the petitioner and the victim and they have in fact married each other on 7.3.2024 , which was not to the liking of the



family of the victim and hence the petitioner has been falsely implicated into the FIR in question. Learned counsel further submits that the prime prosecution witness, namely the victim has turned hostile when examined as a prosecution witness. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 26.10.2024 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 11.3.2024 whereinafter investigation was carried out and challan stands presented on 10.5.2024. Total 22 prosecution witnesses have been cited out of which only 3 have been examined. It is not in dispute that the prime prosecution witness i.e. the victim has turned hostile when examined as a prosecution witness. The rival contention of learned counsel for the parties; as to whether the petitioner has been falsely implicated into the FIR in question on account of his having a consensual friendship with the victim, the veracity/weightage required to the factum of the petitioner having married to the victim on 7.3.2024, as also the weightage required to be attached to the testimony of the victim who has turned hostile when examined as a prosecution witness; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival



contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 26.10.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of seven months and eleven days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.



(vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

28.10.2024
Ashwani

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No