



CRM-M-53043 of 2024 1

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

117 **CRM-M-53043 of 2024**
DATE OF DECISION :- 18.11.2024

Gurmeet @ Vishal **...Petitioner**

Versus

State of Haryana **...Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Ashish Pundir, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.
(PSI Pritam Singh, Investigation Officer of the case along with
case diary)

SUMEET GOEL, J. (Oral)

Vide order dated 29.10.2024, the petitioner was granted the
concession of interim regular bail. The said order reads as under :-

- 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.56 dated 3.5.2024, under Sections 363 and 366 of the IPC, registered at Police Station Mansa Devi Complex, District Panchkula.*
- 2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-*
'Sir, the copy of the article is as follows: To, SHO Sir, Police Station Mansa Devi Complex, Panchkula. Sir, I request that I am Gurdev Singh son of Balak Ram, resident of House No. 62 Saketdi, Panchkula. My daughter Kiranjit Kaur is 17 years old, who had earlier also left home with Vishal, who had gone on



09.03.2024 and returned home on 15.03.2024. My daughter Kiranjit Kaur left home yesterday on 02.05.2024 at around 02.45 AM without informing anyone. My daughter has been kidnapped by a boy Vishal son Chhinda resident of Indira Colony, Chandigarh. Vishal is a goon and a rogue. He has been in jail before. If something happens to our daughter tomorrow, we are not responsible for it. My daughter is fair in complexion. She is wearing a yellow suit. She is wearing black slippers. She should be searched. Kiranjit's friend Kalsum is also involved in this case. My daughter has taken two phones with her. SD. Gurudev Singh Applicant Gurudev Singh Balak son of Balak Ram resident of H.No. 62 Suketdi, Panchkula 8360377501.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 19.5.2024. Learned counsel has further submitted that there was a consensual friendship between the petitioner and the victim which was not to the liking of the family of the victim & hence the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further referred, in extenso, to the statement made by the victim under Section 161 Cr.P.C. to argue that it is, in fact, the victim herself who has left the custody of her family and had called the petitioner, who had then picked her up from the place & then they went to Narwana, District Jind from Panchkula and stayed there for few days. Learned counsel for the petitioner has argued that the offence under Section 363 and 366 of the IPC is not made out against the petitioner from a bare perusal of the statement made by the victim under Section 161 Cr.P.C.

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 28.10.2024 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 19.5.2024 whereinafter investigation was carried out and challan was presented on 17.7.2024. Total 22 prosecution witnesses have been cited and none has been examined till date. The rival contention of learned counsel for the parties; as to whether there was consensual relationship between the petitioner and the victim, whether the said consensual relationship was not to the liking of the family of the victim as also the weightage required to be attached to the statement made by the victim under Section 161 of Cr.P.C.; 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 28.10.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than five months and 9 days.*

As per the said custody certificate, the petitioner is said to be involved in other FIR(s) also. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail qua the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Suypreme Courty in Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586; a Division Bench judgment of the Hon'ble Calcutta High Court in case of Sridhar Das v. State, 1998 (2) RCR (Criminal) 477 & judgments of this Court in CRM-M-



No.38822-2022 titled as Akhilesh Singh v. State of Haryana, decided on 29.11.2021, and Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191.

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 petitioner is ordered to be released on interim 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/Illaq 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.



CRM-M-53043 of 2024 **5**

- 11. Put up on 11.11.2024.*
- 12. Be shown in the urgent cause list.*
- 13. Investigating Officer of the case (alongwith case diary) shall remain present in Court on the said date.”*

Having heard learned counsel for the parties and upon perusal of the case diary, this Court does not find any material to vary the order dated 29.10.2024 granting interim regular bail to the petitioner.

Keeping in view the entirety of facts and circumstances of the case, the order dated 29.10.2024 is made absolute subject to stipulations conditions therein.

(SUMEET GOEL)
JUDGE

18.11.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No