



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
269

CRM-M-53939-2024(O&M)
Date of Decision: 29.10.2024

Lovepreet Singh

....Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. G.S.Brar, Advocate for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 2nd petition under Section 439 of Cr.P.C. now 483 BNNS, 2023 for grant of Regular bail to the petitioner in case FIR No. 28, dated 27.02.2024 (Annexure P-1) U/S 354-D, 341, 323, 506, 34 IPC, 1860 (later on added Section 11(4) of POCSO Act, 2012) registered at Police Station Sadar, Sri Muktsar Sahib, District Shri Muktsar Sahib.

Learned counsel for the petitioner *inter alia* submits that the present FIR (Annexure P-1) has been registered on the basis of the statement made by the victim herself. The relevant part of the said FIR reads as follows:-

“.....Statement of xxxx daughter of xxxxx resident of Mod Road, Sundar Nagar, Sri Muktsar Sahib age about 17 years mobile number 70197 22485 stated that I am a resident of the said address. We are two brothers and sisters. I am younger than my brother. My age is 17 years and I am doing GNM nursing course at Adesh Bhagat University Mata



Jarnail Kaur college kotakpura Road sri Muktsar Sahib which is about 3-1/2 years course and I have been going to college for about 5 months. Like everyday on 21.02.2024 I was coming back to my home at about 2:00 PM after finishing my college Adesh Bhagat University. When I came to the main gate of the college, then Lovepreet Singh of village Badhai, who was my classmate in DAV school was standing in front of the gate and stopped me in front of the gate and stopped my scooter number PB30L 3650 and came forward and pushed me and threatened me that I will pick you up and take you away and spoke about my cast and slapped me and threate to kill me. Lovepreet Singh has been following me from long time and on 26.02.2024 I went to my college again, when I was coming back, at around 2:00 PM, he tried to stop me in front of the gate and threatened to take me away. At that time there were 4 unknown boys with Lovepreet Singh then I called on 112 number helpline and called the police. Where police came and take the action and the other boys with him run away from the sport whose name I do not know. In this regard, I also called my father Raj Kumar, who came along with my mother Surinder Kaur at the sport and to whom I had told everything about the molestation of me by Lovepreet Singh and in this regard we all were discussing about it. Today I was coming to the police station along with my parents to gave a report and you met us. Appropriate legal action should be taken against them.”

It is submitted that at the time of incident i.e. 26.02.2024, the petitioner was about 20 years of age, whereas the victim was about 17 years and 7 months of age. Learned counsel for the petitioner submits



that in actual fact, the petitioner and the victim were in a consensual relationship. The victim as PW1, mother of the victim as PW2 and father of the victim as PW3 already stand examined before the learned trial Court. They all have turned hostile and have not supported the prosecution case. The allegations made in the FIR are false and fabricated. It is reiterated that the petitioner and the victim were in a consensual relationship.

Learned counsel for the petitioner further submits that the petitioner has been in custody since 28.03.2024 as undertrial. No useful purpose would be served by further detention of the petitioner in custody. Thus, it is prayed that the present petition may be allowed, and the petitioner be released on regular bail.

Learned counsel for the State opposes prayer made on behalf of the petitioner. She, on instructions, submits that the victim in her statement recorded under Section 164 Cr.P.C, has fully supported the prosecution case. She, however, admits that the victim as well as her parents have turned hostile in their respective testimonies before the learned trial Court.

Learned counsel for the State files custody certificate dated 28.10.2024, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 07 months.

Learned counsel for the State, further informs that there are 18 witnesses in the present case, out of which 3 witnesses including the victim, have been examined so far.



Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case including the fact that: a) the custody period of 07 months undergone by the petitioner as an undertrial; b) no other case is pending against the petitioner as evident from the custody certificate placed on record; and c) material witnesses including the victim stand examined; and d) out of total 18 witnesses, 3 witnesses have been examined so far and, therefore, the conclusion of trial will take considerable time and no useful purpose would be served by further detention of the petitioner. Thus, the present petition is **allowed**.

The petitioner-Lovepreet Singh S/o Gurmeet Singh, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

Pending application, if any, stands disposed of.

29.10.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No