



Sr. No.105+227
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-29244-2024 in/and
CRM-M-58008-2023
Date of decision: 25th July 2024

HARDEV SINGH**Petitioner**

versus

STATE OF PUNJAB AND ANOTHER**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Gurcharan Dass, Advocate
for the applicant-petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

None for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

CRM-29244-2024

1. The present application has been filed under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 for placing on record statements of PW-1 and PW-2 as Annexures P-19 to P-24.
2. Notice in the application.
3. Ms. Sakshi Bakshi, AAG, Punjab, accepts notice on behalf of the respondent-State.
4. Keeping in view the averments made in the application, the same is allowed. The above-said documents are taken on record as Annexures P-19 to P-24, subject to all just exceptions.

CRM-M-58008-2023

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.01



dated 04.01.2023, under Section 67 of the Information Technology Act, 2000; Sections 354-D, 506, 376 IPC (added later on) and Section 13 of the Protection of Children from Sexual Offences Act, 2012 (added later on), registered at Police Station Sudhar, District Ludhiana (Rural), Annexure P-1.

2. Learned counsel for the petitioner contends that there was a civil dispute between the parties regarding the inheritance of Mohinder Singh, who is the father of the petitioner and grandfather of the prosecutrix. Mohinder Singh died on 08.05.2021 and thereafter, Panchayati Compromise dated 20.07.2022 (Annexure P-4), was executed between the parties, which was also signed by Ranjit Singh, who is the father of the prosecutrix. After the said compromise, order dated 12.12.2022 (Annexure P-3) was passed by the Assistant Collector First Grade-cum-Sub-Divisional Magistrate, Ludhiana West for sanction of the mutation on the basis of the Will in favour of the petitioner. The prosecutrix and her family were dissatisfied with the said compromise as well as the order passed by the Sub-Divisional Magistrate, Ludhiana West, as such, they have filed Civil Suit (Annexure P-5) before the Civil Judge (Senior Division), Ludhiana, seeking a declaration for setting aside the Will dated 16.03.2021 alleged to have been executed in favour of the petitioner. The petitioner is the real uncle (*Chacha*) of the prosecutrix and he has been falsely implicated in the present case. He is in custody for the last 01 year, 06 months and 15 days.

3. Learned State counsel has filed custody certificate of the petitioner dated 24.07.2024, reflecting his period of custody as 01 year, 06 months and 15 days, which is taken on record.

4. Learned State counsel, while referring to the status report dated 24.04.2024, filed by way of affidavit of Sh. Jatinder Pal Singh, PPS, Deputy



Superintendent of Police, Dakha, District Ludhiana (Rural), has opposed the present petition on the ground of gravity of allegations levelled against the petitioner. It is further contended that in the disclosure statement of the petitioner as well as in the statement of the prosecutrix recorded under Section 164 Cr.P.C., there are serious allegations against the petitioner. However, he confirms that investigation is complete and challan/final report under Section 173 Cr.P.C. has been presented before the trial Court. The statement of the prosecutrix and her mother has also been recorded during the trial. There are total 11 prosecution witnesses, out of which 02 witnesses have been examined.

5. I have considered the aforesaid contentions and perused the paper book.
6. Investigation is complete and final report/challan under Section 173 Cr.P.C. has been presented before the trial Court. The petitioner is in custody for the last 01 year, 06 months and 15 days. Out of total 11 prosecution witnesses, only 02 witnesses have been examined. Conclusion of trial is likely to take time. There is no apprehension of absconding of the petitioner.
7. Keeping in view the above facts and without commenting on the merits of the case, the present petition is allowed.
8. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
9. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

25th July 2024
simran

SIMRANDEEP KAUR
2024.07.31 10:23
I attest to the accuracy and
integrity of this order/judgment.

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No