



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

207

**CRM-M No. 55231 of 2024
Date of decision : 18.11.2024**

Joban Masih @ Gurnam Singh**Petitioner**
Versus
State of Punjab and another**Respondents**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Manoj R. Sharma, Advocate, for the petitioner

Mr. Anup Singh, AAG, Punjab

Mr. Sanish Girdhar, Advocate and
Mr. Kamal Gupta, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

At the outset, learned counsel for the petitioner has submitted that a typographical mistake has occurred into the petition as the petitioner has been named as ‘Joban Masih @ Gurnam Singh’ whereas his actual name is ‘Gurmandeep Singh @ Joban & Gurman Singh’.

The prayer made is innocuous in nature, hence accepted.

The instant order shall be read as having been passed in respect of the petitioner-Gurmandeep Singh @ Joban @ Gurman Singh R/o village Chatha, Police Station Ghanie Ke Banger, Tehsil Batala, District Gurdaspur, presently confined in Central Jail, Gurdaspur.

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita of 2023 (for short ‘BNSS’) for grant



of regular bail to the petitioner in case FIR No.11 dated 12.2.2024, under Sections 363/366 of the IPC, registered at Police Station Fatehgarh Churian, Police District Batala, District Gurdaspur.

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 Sarabjit w/o ramesh Masih r/o Dogar, PS Fatehgarh Churian, Distt. Gurdaspur, aged around 40 years, M.no.79867-28630, stated that I am a resident of abovementioned address and do the household work. My marriage was performed around 19 years ago with Ramesh Masih s/o Sadik Masih r/o Dogar and I am having three children and eldest of all is Rohit Masih aged 18 years and younger to him is daughter Anu and younger to her is daughter Nisba who is around 13 years of age and my daughter Anu whose date of birth is 30.10.2008 who after completing the study of 10th class, had left the school and now she was working in New Look Saloon area Fatehgarh Churian. That she used to come at Fatehgarh Churian for her work from the village as a daily routine and on 10.2.2024, my daughter Anu had gone to Fatehgarh Churian at around 10 am, in the bus, from the bus stand of her village in order to go to New Look Saloon who did not return back to the house in the evening that I am fully sure that my daughter Anu has been enticed away by Joban Masih s/o Vicky Masih r/o Village Chatha, PS Ghanie Ke Banger, Distt. Gurdaspur somewhere else by enticing her away on the pretext of marriage because Joban Masih above is having maternal relatives (nanake) in the house of Kuldip Masih in our village and Kuldip Masih is his maternal uncle. Due to which, we already know him and he often used to live in his maternal uncle's house. That legal action be taken against the abovesaid accused. We entire family were looking after /searching our daughter but we did not find our daughter. Today I alongwith my husband Ramesh Masih s/o Sadik Masih was coming to give information to you. You have met. Statement has been got recorded to you. Appropriate legal action be taken. Sd- Sarabjit attested Sd- Bimla Kumari L/ASI PS Fatehgarh Churian dated 12.2.2024.'

3. Learned counsel for the petitioner has argued that the petitioner



is in custody since 4.10.2024. Learned counsel has further argued that the FIR in question was got registered on account of mis-understanding which has now been resolved. To buttress his arguments, learned counsel for the petitioner has relied upon the affidavit dated 26.10.2024 sworn in by the complainant (copy whereof has been appended as Annexure P-2 with the instant petition). Learned counsel has further submitted that culmination of investigation of the case will take its own time. 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 16.11.2024 in Court, which is taken on record.

Learned counsel appearing for respondent no.2 has ratified the veracity of the affidavit dated 26.10.2024 sworn in by the complainant.

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

6. The petitioner was arrested on 4.10.2024 whereinafter investigation is still underway. This Court has perused the statement made by the victim under Section 164 of the Cr.P.C. Perusal of the said statement does not reflect any inculpatory statement against the petitioner. 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 mis-understanding as also the veracity required to be attached to the



affidavit dated 26.10.2024 stated to have been sworn in by the complainant (copy whereof has been appended as Annexure P-2 with the instant petition); 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 investigation/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 16.11.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of one month and eleven days. The petitioner is a young man aged 23 years with no criminal antecedents.

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

18.11.2024
Ashwani

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