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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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DATE OF DECISION :- 21.11.2024

Banti Ahirwar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Rahul Jaswal, Advocate for the petitioner.
Ms. Priyanka Sadar, AAG, Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.212 dated 10.07.2024, registered for the offences punishable under Sections 137/87 of BNS, 2023 at Police Station Sector 13-17, District Panipat.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“Copy of the application is as follow "To, Sir S.H.O Sir, Police Station 13-17 Panipat Sir, it is humbly requested that I Kuldeep S/O Prem R/O, S/F 2868 ANSAL(BPL). I have two children. One boy and one girl, of whom the girl is the elder. On 09/07/24, I left my daughter Kajal, age 19 years, at home and went to a wedding. After returning from the wedding, I found that the girl was not at home. On enquiring, I came to know

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that my daughter Kajal, age 19 years, was lured and abducted by Bunty, resident of Ajijullahpur, with the intention of marrying her. Legal action should be taken against him. Appearance: Wheatish complexion, thin body, height 5 feet, age 19 years, black jeans, white shirt, black slippers on feet. S/D Kuldeep Kumar, 9991117708" today one application has been recived in the police station on this an FIR No.212 dated dated 10.07.2024 under section 137/87 BNS was registered at Police Station Sec 13/17, Panipat."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 17.07.2024. Learned counsel has further argued that there was consensual friendship between the petitioner and the victim 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 for the petitioner, in order to buttress this aspect of his argument, has relied upon the photographs/video chat of the petitioner and the victim (copy whereof has been annexed as Annexure P-5 with the instant petition). Learned counsel for the petitioner has further submitted that, on perusal of the statement made by the victim under Section 183 of BNSS, 2023 on 17.07.2024 before the concerned Judicial Magistrate indicates that though the petitioner is alleged to have forcibly taken away the victim but nothing wrong was done to her. It has been further iterated by the learned counsel for the petitioner that the statement made by the victim under Section 183 of BNSS whereby inculpatory statement was made against the petitioner is on account of familial pressure. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does

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not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 20.11.2024 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 17.07.2024 whereinafter investigation was carried out and challan stands presented on 01.08.2024. Total 10 prosecution witnesses have been cited and culmination of trial, but of course, will take its own time as no prosecution witness has been examined till date. The rival contention of learned counsel for the parties; as to whether there was consensual friendship between the petitioner and the victim, whether such friendship was not to the liking to the family of the victim and it is on this account that the petitioner has been falsely implicated into the FIR in question, the weightage required to be attached to the statement made by the victim on 17.07.2024 before the concerned Judicial Magistrate under Section 183 of BNSS, 2023 as also the weightage/veracity required to be attached to the photographs/video chat (copy whereof has been annexed as Annexure P-5 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 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 20.11.2024 filed by learned State counsel, the petitioner has suffered incarceration for a period more than 04 months & is not shown to be involved in any other case.



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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/Illaqha 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.



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- 10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
- 11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

21.11.2024
P.Singh

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