

CRM-M-57152-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57152-2024 (O&M)
Date of Decision: 22.11.2024

GAGANPREET SINGH

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Amit Kumar Saini, Advocate for the petitioner.

Mr. Yuvraj Singh Tiwana, Asstt. A.G., Punjab.

...

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.0066 dated 23.05.2024, registered for the offences punishable under Sections 363 and 366-A of IPC, 1860 (Sections 120-B and 201 of IPC, 1860 added later on) at Police Station Machhiwara Sahib, Police District Khanna, District Ludhiana.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Statement of Bishan Dass son of Ranjit Ram, Resident of Village Rahimabad Kalan, Police Station Machhiwara Sahib, District Ludhiana aged about 35 years, Mobile no.94631- 85295, stated that I am the respondent of abovesaid address and do the work of agriculture, I have three children two sons and one daughter namely Suneha aged about 15 years (15.12.2008), that my daughter Suneha studies in 9th class in Harjas Public School Charaudi. Due to holidays in school, my daughter was at home, I and my wife had gone to bring medicine for my elder son then I received phone call from home that today from around 11 AM, Suneha is not at home and I came back home and after come home, we and my family continued searching Suneha here and there and then we came to know that my daughter Suneha has been enticed away by Arshdeep Singh son of Satnam Singh resident of Milkowal, Police Station Machiwara Sahib, District Ludhiana under the pretext of marriage, against whom

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appropriate action be taken. You have met me at Gate Gani Khan Nabi Khan, Machhiwara Sahib, appropriate action be taken against him. Statement has been got recorded, is heard, is correct. Sd/- Bishan Dass, attested Sd/- Sanjeev Kumar ASI, Poilce Station Machhiwara Sahib, dated 23.05.2024.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 27.05.2024. Learned counsel for the petitioner has further argued that the petitioner is a young man aged 19 years with no criminal antecedents. Learned counsel for the petitioner has iterated that the prime allegations against the petitioner, as decipherable from the challan in question is that he had helped the main accused, namely, Arshdeep Singh, who enticed away the victim. Learned counsel for the petitioner has further iterated that the petitioner has been falsely implicated into the FIR in question only on account of his alleged friendship with the main accused, namely, Arshdeep Singh. Learned counsel for the petitioner has submitted that the said main accused, namely, Arshdeep Singh has been granted the concession of regular bail by this Court vide order dated 29.10.2024 passed in CRM-M-52987-2024 (Annexure P-4). Thus regular bail is prayed for.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

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

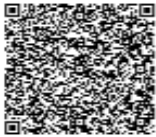
6. The petitioner was arrested on 27.05.2024 whereinafter investigation was carried out & challan was presented on 10.07.2024. Total 12 prosecution witnesses have been cited and none has been examined till date. The rival contention of the learned counsel for the parties; as to whether the petitioner has been falsely implicated into the FIR in question

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and the exact role of the petitioner and evidence against the petitioner which has surfaced during the course of investigation; 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 the custody certificate dated 21.11.2024 filed by the learned State counsel, the petitioner has suffered incarceration for more than 05 months and 24 days & is not shown to be involved in any other case. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant 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.



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(vi) The petitioner shall give his cellphone 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.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

22.11.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No