

2024:PHHC:016077

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

108

CRM-M-63279-2023 (O&M)
Date of decision:06.02.2024

Hardeep Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vaibhav Narang, Advocate,
for the petitioner.

Mr. Adhiraj Singh Thind, AAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.69 dated 09.05.2023, registered for the offences punishable under Sections 363, 366-A, 376 IPC, of 1860, at Police Station Lopoke, District Amritsar Rural.
2. The case set up in the FIR in question is as follows:-

“Statement of Lshmi daughter of Jaimal Singh, resident of Chowgawan, Police station, aged around District Amritsar, aged around 19 years, MB 7696576794 made a statement that I am resident of above said address and we are 4 sisters and brother, the eldest one is Asha Rani, younger to her Sandeep Singh, younger to him is myself and younger to me is younger brother Sahil. I have studied upto 3rd class from Government School Chogawan and in our village Hardeep Singh son of Kirpal Singh resident of Cheeta Kalan, colony backside Best price District Amritsar, he use to come in our neighborhood to the house of his sister Pammi wife of Manga Singh. I developed friendship with him and he allured me in his talks and he pressurized me to

perform marriage with him, I told Hardeep Singh my age is less than 17 years and I cannot perform marriage like this. On 11.02.2022 Hardeep Singh came to our village and he enticed me and taken me on his motorcycle to his village Cheeta Kalan colony backside Best price District Amritsar where he continue to developed physical relations with me against my wishes and during this I got pregnant and he started beating me now I am residing with my parents have taken me back from the house of Hardeep Singh. Today I along with my mother Komal and brother- in-law (Jija) Surender Kumar son of Amrik Lal resident of Meera Kot Khurd came present in the police station and made my statement before you. I am victim, action may be taken. Verified as correct, Lshmi above said verified Vipandeep Kaur L/CT, Police Station Lopoke, District Amritsar Rural, dated 09.05.2023 attested as correct Hardev Singh ASI police station Lopoke, Amritsar Rural dated 09.05.2023.”

3. Learned counsel for the petitioner has argued that the petitioner was arrested on 10.05.2023 whereinafter investigation was carried out & challan has been presented. Learned counsel has further argued that during the course of trial, the victim (PW-1), mother of the victim (PW-3) as also sister-in-law of the victim (PW-2) have resiled and, therefore, in all likelihood the trial is not likely to turn into conviction. Thus, regular bail is prayed for.

4. Learned counsel for the State 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 regular bail.

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

6. The accused was arrested on 10.05.2023 whereinafter investigation was carried out & challan was presented on 11.08.2023.

Total 22 prosecution witnesses have been cited and hence culmination of trial will take its own time. The rival contention of the learned counsel for the parties regarding the weightage required to be attached to the testimony of the victims who have turned hostile will 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 case of the either parties. No perceptible material has been brought on record to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence. As per the custody certificate dated 29.01.2024 filed by the learned State counsel, the petitioner has already suffered incarceration for about 09 months & is not shown to be involved in any other case. Suffice to say, further detention of the petitioner as an undertrial is not warranted.

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.
 - (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.

(SUMEET GOEL)
JUDGE

February 06, 2024
poonam

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