

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-415-2024
Date of decision: 12 .01.2024

Manpreet Singh @ Money

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Jasbir Singh Mohri, Advocate,
for the petitioner.

Mr. Anup Singh, 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.82 dated 27.04.2021 registered for the offences punishable under Sections 363, 366-A, 120-B of IPC (Section 376 IPC and Section 6 of POCSO Act, 2012 has been added later one) at Police Station City Tarn Taran, District Tarn Taran.

2. The case set up in the FIR in question is as follows:-

“Statement of Sukhdev Singh s/o Harbans Singh, resident of Street of Doctor Hardev Singh, Muradpur, Police Station City, Tarn Taran, aged about 38 years, mobile no.8728017165, stated that I am residing on aforementioned address and is labourer. I have three children. prosecutrix My eldest daughter is (Name withheld) having date of birth 19.06.2006, younger to

her is my son Manohar Singh aged about 14 years and younger to all is my son Abhi, aged about 8 years. My daughter prosecutrix (name withheld) was studying in 8th class in Mata Ganga School, Tarn Taran. On 24.04.2021, I went for my work. My wife Anita also left home for some work, while both my sons were playing outside the house. One Mani son of Saabi, resident of Mohalla Muradpur, in connivance with his father Saabi and Ginder son of Sheera, residents of Mohalla Muradpur, has taken away my daughter prosecutrix (name withheld) by alluring her on the pretext of marriage. We kept for searching of my daughter, but we could not trace her. I am sure that said Mani in connivance with his father Saabi and his friend Ginder has taken away my daughter/prosecutrix (name withheld) by alluring her on the pretext of marry. Please take necessary legal action against said persons. Today, I have got recorded my statement before you, which is heard and read, as it is correct. Sd/- Sukhchain Singh above said, verified Sd/- Gajjan Singh ASI Incharge, Police Post Bus Stand, Police Station City Tarn Taran, Dated 27.04.2021.”

3. Counsel for the petitioner submits that after completion of investigation challan has been presented & the prosecutrix (when examined as PW-1) and the mother of the prosecutrix (when examined as PW-2) have not supported the prosecution version. Learned counsel further argues that the petitioner is a young man aged about 20 years and no useful purpose would be served by keeping him in custody.

4. 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 petitioner is in custody since 12.09.2021; challan stands presented on 10.12.2021 wherein 12 PWs have been cited & the trial is underway. The weightage required to be attached to the testimony of the prosecutrix as also the mother of the prosecutrix (both of whom have turned hostile) will be seen at the time of trial. This Court is not dwelling deep into examining the weightage required to be attached to these witnesses at this stage lest it prejudices the case of either of the parties. The petitioner is in custody for about 2 years & 4 months. In my considered opinion, further detention of the petitioner 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/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.

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

(SUMEET GOEL)
JUDGE

January 12, 2024
poonam

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