



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.60991 of 2024
Date of decision : 16.12.2024

Gurpreet Singh @ Preet @ KaluPetitioner
Versus
State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kulwinder Singh, Advocate, for the petitioner
Mr. Anup Singh, AAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.44 dated 10.2.2024, under Section 363 of the IPC (Section 366-A of IPC was added later on), registered at Police Station City Budhlada, District Mansa.
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 statement, "Statement of Rajinder Kumar @Bunty son of Sham Lal son of Kidar Nath resident of Ward No.17, Near Guru Nanak Basti Boha Road Budhlada aged about 39 years Mobile 9915884532. Stated that I am resident of above mentioned address and I do labour work. I have four children, three daughters and one son. My daughter Komal Rani whose date of birth is 9.3.2008, who is studying in 9th class in Govt. Secondary School for Girls Budhlada. Yesterday at about 9 p.m. she had come to school for study but she did not went back to home from school.



We were searching her till now. During search, Faqir Chand son of Kurda Ram resident of Ward No.17, Budhlada met me, who told me that his grand-daughter Usha Rani daughter of Dharam Chand whose date of birth is 27.8.2007 was also studying with my daughter in 9th class. Yesterday on 9.2.2024 she had come to school for study but she did not come to house. We both the families jointly searched our daughters but they could not be traced. We have apprehension that our daughters have been kidnapped by some person/persons with some motive. We were going to you for taking action, you have met. Legal action be taken against unknown person/persons. Statement has been got recorded, heard and same is correct. Sd/-Rajinder Kumar @ Buntty above said. Witness: Faqir Chand son of Kurda Ram resident of Budhlada. Attested by Gurmail Singh ASI P.S. City Budhlada date 10.02.2024.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 2.5.2024. Learned counsel has further argued that there was consensual friendship between the petitioner and the victim-Usha and the FIR in question has been got registered against the petitioner and such friendship was not to the liking of the family of the victim. Learned counsel for the petitioner has further iterated that no culpable statement has been made against the petitioner in the statements recorded under Section 164 of Cr.P.C. by the victims. Learned counsel has further argued that the victims have refused to get their medical examination conducted. Learned counsel has further submitted that the petitioner is a young man aged 21 years with no criminal antecedents. 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 14.12.2024 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 2.5.2024 whereinafter investigation was carried out and challan was presented on 30.5.2024. Though charges in the present case have been framed on 28.8.2024 but no witness has been examined till date whereas 24 witnesses have been cited. Hence, culmination of trial will take its own time. The rival contention of learned counsel for the parties; as to whether there was consensual friendship between the petitioner and the victim, whether the said friendship was not to the liking of the family of the victim and hence, the petitioner has been falsely implicated into the FIR in question as also the weightage/veracity required to be attached to the statement made by the victims under section 164 of Cr.P.C. viz.-a-viz. the statements likely to be got recorded by them as prosecution witnesses; 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 14.12.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of seven months and eleven 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 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.

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10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

16.12.2024
Ashwani

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