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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61201-2024 (O&M)
Date of Decision: 11.12.2024

VIPAN ALIAS VIPAN KUMAR

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Apurva Walia, Advocate for
Mr. Saurav Bhatia, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

...

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.68 dated 07.09.2024, registered for the offences punishable under Sections 137(2) and 96 of BNS, 2023 at Police Station City Balachaur, District SBS Nagar, Punjab.

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 Madan Sahni son of Mahinder Sahni resident of Ward No.13 village Damalghat Police Station Bisfi State Bihar now resident of Bitu Rana Di Motor Village Kangana Bhet Dhana City Balachaur District Shaheed Bhagat Singh Nagar. Mobile Number 78141-71339, 89613-82068. Stated that I am resident of the above said address and doing a labour work. I have three children, elder son Situ Sahni, younger daughter Mamta, than her younger daughter Amita. My daughter Mamta, whose date of birth I do not know surely, but I am sure that she is below 18 years. On dated 22-08-2024 Vipin Kumar Son of Nandu Sadha Resident of Ward No. 19 Sursand Police Sation Sursand District Sitamari State Bihar now resident of Village Banga Bhet Karamjit Singh Ki Motor has taken my daughter Mamta with him for the pretext of marriage. We have a lot of searching to find out but no clue about it. Today, I alongwith my sister Titri Devi came to police station. Please kindly find out my daughter Mamta. I have written a statement, heard, which is correct. LTI/ Madan Sahni, RTI/- Titri Devi, Verified Sd/ Amarjit Kaur ASI Police Station City Balachaur.”

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3. Learned counsel for the petitioner has argued that the petitioner is in custody since 07.09.2024. Learned counsel for the petitioner 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 & hence the petitioner has been falsely implicated into the FIR in question. To buttress her arguments, learned counsel for the petitioner has referred, *in extenso*, to the statement made by the victim under Section 180 of BNSS, 2023 wherein nothing inculpatory has come against the petitioner. 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 07.09.2024 whereinafter investigation was carried out & challan was presented on 05.11.2024. Total 14 prosecution witnesses have been cited and culmination of the trial will take its own time as charges are yet to be framed. The rival contention of the learned counsel for the parties; as to whether the petitioner has been falsely implicated into the FIR in question on account of his having consensual friendship with the victim which was not to the liking of the family of the victim as also the weightage required to be attached to the statement made by the victim under Section 180 of BNSS, 2023 viz-a-viz the statement likely to be made by her as a prosecution witness; shall be gone into during the course of trial. This Court does not deem it appropriate

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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 10.12.2024 filed by the learned State counsel, the petitioner has suffered incarceration for more than 03 months and 02 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.
- (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

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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.

11.12.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No