



CRM-M-62338-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62338-2024 (O&M)

Date of Decision: 20.12.2024

DIYANSHU BHANOT

.. Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vinay Puri, 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.207 dated 27.10.2024, registered for the offences punishable under Sections 78, 137 and 351(2) of BNS, 2023 and Seciton 11(iv) of POCSO Act, 2012 at Police Station City Rupnagar, District Rupnagar.

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

“Copy Statement "Statement of Daljit Kaur Wife Jaspal Singh Resident House No. 631 Gobind Valley Police Station City Rupnagar District Rupnagar Mobile No. 9865000631 Stated that I am a resident of above mentioned address and is a housewife. My husband works in Army. I have 02 children. My elder son lives in abroad and my younger daughter Ekampreet Kaur Is about 15 years old. She studies in the 9th standard at Rupnagar, whereas Diyanshu Bhanot, son of Achhar Bhanot, lives in the village of Rail Majra, Kathgarh District SBS Nagar, he is following my daughter, who has kept my daughter into his bluff. My daughter doesn't understand her own good and bad. And above Diyanshu keeps following my daughter outside the said school, and on the way during her tultion time even he comes home and harasses my daughter. Till now he gave 03 mobile phones to my daughter. From whom, photographs of my daughter are also posted on Instagram. Diyanshu 's Mother Aarti comes to my daughter's School and gives her a tiffin box. She is supporting Diyanshu in this. They are threatening me that they will take my daughter away. I am

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also being threatened by the above mentioned Dlyanshu that he will cause harm to me. In this regard, our matter was earlier compromised to the effect that Diyanshu will not followed my daughter and neither he will come to Gobind Valley. Diyanshu has put my daughter behind him. If my daughter takes any wrong step in future, then the responsibility will be on the said Diyanshu Bhanot. Please take appropriate legal action in this regard. I have written my statement to you which is read and is correct. SD- Daljeet Kaur verified by SD/-Jasmine Kaur INSP PS City Rupnagar 27.10.2024.”

2. Learned State counsel (on instructions from the Investigating Officer, who is present in Court) has submitted that respondent No.2 has been informed in terms of the order dated 17.12.2024. The case has been called out twice. However, none has caused appearance on her behalf.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 27.10.2024. Learned counsel for the petitioner has submitted that there was consensual friendship between the petitioner and the victim which was not to the liking of the family of the victim and hence the petitioner has been falsely implicated into the FIR in question. In order to buttress his arguments, learned counsel for the petitioner has relied upon whatsapp chat (copy whereof has been appended as Annexure P-2 with the instant petition). Learned counsel for the petitioner has referred, *in extenso*, to the statement made by the victim under Section 183 of BNSS, 2023 to argue that the petitioner and the victim were talking to each other out of their free will and nothing wrong was done with the victim. Learned counsel for the petitioner has iterated that the petitioner is a young man aged 18 years with no criminal antecedents. 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

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6. The petitioner was arrested on 27.10.2024 whereinafter investigation was carried out & challan was presented on 18.12.2024. Total 13 prosecution witnesses have been cited and culmination of the trial will take its own time. The rival contention of the 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 & hence the petitioner has been falsely implicated into the FIR in question; the weightage/veracity of the whatsapp chat (copy whereof has been appended as Annexure P-2 with the instant petition); as also the weightage required to be attached to the statement made by the victim under Section 183 of BNSS, 2023 viz-a-viz the statement that is likely to be recorded by her as a prosecution witness; 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 remaining prosecution evidence. As per the custody certificate dated 19.12.2024 filed by the learned State counsel, the petitioner has suffered incarceration for more than 01 months and 21 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.

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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



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

20.12.2024

Jasmine Kaur

**(SUMEET GOEL)
JUDGE**

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No