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

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Date of Decision:- 29.01.2025

Harmesh Singh alias Ramesh Singh and Anr.

....Petitioners

Vs.

State of Punjab and Anr.

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. R.S.Sekhon, Advocate
for the petitioners.

Mr. Gautam Thapar, AAG, Punjab.

Mr. A.K.Khungar, Advocate for
respondent No.2.

AMARJOT BHATTI, J.

1. Petitioners Harmesh Singh @ Ramesh Singh and Raj Rani have filed this petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.45 dated 15.03.2024, under Sections 363, 366-A of IPC, registered at Police Station City-I, Abohar.

2. As per facts of the case, complainant i.e. mother of the victim 'A' gave her statement that she is mother of two children. Elder daughter is 16 years of age who was matriculate and doing household work and younger son is aged 14 years. The victim came to the house of her brother namely Sagar Kumar on 10.02.2024 and was staying there. Her daughter and Navdeep Singh used to study in the same school. Said Navdeep Singh used to follow her daughter. On 04.03.2024, she received call from her brother Sagar Kumar that the victim had gone out to the market at 7:00 AM but thereafter, she did not return home. The complainant started searching

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for her daughter but could not locate her. They have come to know that Navdeep Singh with his elder brother, father Ramesh Singh and mother Raj Rani with the help of Aman allured her minor daughter and was taken away on the pretext of marriage. With these allegations, present FIR has been registered.

3. Learned counsel for petitioners argued that they are parents of Navdeep Singh who is also minor. They have no role to play in taking away the minor victim. They have already joined the investigation. Earlier, they were granted interim bail vide order dated 22.05.2024 passed by Coordinate Bench which was later on vacated on dated 13.11.2024. They were again granted interim relief vide order dated 17.01.2025 with the direction to join investigation and they have again joined the investigation. They are still ready to cooperate with the investigating agency. Therefore, their anticipatory bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing respondent No.2 as well as learned counsel representing State. Status report has been received, which is taken on record. Facts narrated in the FIR are confirmed. It is pointed out that despite best possible efforts, the victim could not be recovered as they are shifting from one place to the other. It was pointed out that accused Navdeep Singh is in touch with his parents. ASI Bhupinder Singh, the investigating officer was also called to explain the steps taken by him for recovery of victim. He explained that despite conducting raids, the victim could not be recovered. He further alleged that father of accused Navdeep Singh came to the police station and had requested for 07 days time to assist the police for recovery of victim.

5. I have considered the aforesaid factual position. Present



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petitioners were granted interim bail but they did not cooperate with the investigating agency in recovery of victim. Initially, interim bail was granted vide order dated 22.05.2024 and the same was finally vacated vide order dated 13.11.2024. Despite every possible effort the victim could not be recovered. DSP Sukhwinder Singh Brar, ASI Bhupinder Singh also appeared from time to time to give the detail of efforts made to recover the victim. Petitioners were again extended interim relief with the direction to join investigation with the investigating agency for recovery of minor victim. However, learned counsel for petitioners suggested that matter should be referred to Mediation and Conciliation Centre. ASI Bhupinder Singh, the investigating officer again explained that Harmesh Singh alias Ramesh Singh came to the police station to join investigation and requested for 07 days time to assist the police for recovery of victim. Fact remains that till date, the victim has not been recovered.

6. Therefore, considering the aforesaid factual position, it is clear that despite given interim relief to the petitioners they did not cooperate with the investigating agency. The victim who is a minor girl still could not be recovered. Considering the gravity of offence, I do not find a fit case for grant of anticipatory bail to petitioners and the same is accordingly declined.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

29.01.2025

*Sunil Devi***(AMARJOT BHATTI)**
JUDGEWhether speaking/reasoned:
Whether reportable:Yes/No
Yes/No