



CRM-M-21179-2025(O&M)

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

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CRM-M-21179-2025(O&M)
Date of Decision: 25.07.2025

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..... Petitioner

VERSUS

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. J.S. Thakur, Advocate,
for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Amandeep Saini, Advocate
for the complainant.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No.18 dated 23.03.2024 registered under Sections 363 & 366-A of IPC (Sections 70(1) of BNS, 2023 and Section 6 of POCSO Act were added later on) at Police Station Sadar Raikot, District Ludhiana.

2. Brief facts of the case are that on 23.03.2024 complainant-Gulam Ali made a statement before the police to the effect that his sister Soma got married in the year 2005 with Noordin s/o Fateh Mohammad resident of Parotha, District Chamba, Himachal Pradesh. Out of their wedlock one daughter was born in the year 2006. Due to getting divorce of his sister with Noordin, she along with her daughter started residing with



him. His sister expired in the year 2023 and her daughter, aged about 17 years, is residing with him. On 20.03.2024, he had gone to graze buffaloes and left behind his mother Suffian Khatoon along with his niece at home. At about 1.30 P.M., his niece left the house by saying his mother that she is bringing some material from the shop. When her niece did not return home, they started searching her at their own but could not find her. Now, they came to know that his niece has been enticed away by Sher Ali s/o Ajubkhan on the pretext of marriage. On the basis of his statement, the present FIR was registered.

3. Learned counsel for the petitioner, *inter alia*, submits that the petitioner has been falsely implicated in the present case. The prosecutrix was having relations with one Sher Ali and apprehending threat from their parents, they filed a protection petition before this Court bearing CRWP No.2908 of 2024 (Sanha and another Vs. State of Punjab and others). Thereafter, at the instance of Ghulam Ali, maternal uncle of the prosecutrix, the instant FIR was registered against Sher Ali on 23.03.2024 and statement of the prosecutrix under Section 164 of Cr.P.C. was recorded on 17.08.2024, wherein, she admitted her relations with Sher Ali and also stated that she had solemnized marriage with Sher Ali as her maternal uncle Ghulam Ali wanted her to marry some other person. He further submits that due to certain dispute, the maternal uncle of the petitioner lodged an FIR No.105 dated 25.10.2024 under Sections 137(2), 140(3), 331(4), 190, 191(3) & 61(2) of BNS, 2023 at Police Station Sadar, Gurdaspur against the relatives of the prosecutrix and to put pressure on the petitioner to compromise the matter, on



the basis of second statement of the prosecutrix recorded under Section 164 of Cr.P.C., the petitioner has been nominated as an accused on 04.01.2025 after a period of about one year. He submits that the petitioner has been nominated by the prosecutrix with ulterior motive. He further submits that the petitioner is in custody since 14.01.2025. He is not involved in any other case. The investigation is complete and the charges are yet to be framed and the trial may take a considerable time to conclude, therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. Per contra, learned State counsel, could not dispute the abovesaid factual aspect as narrated by learned counsel for the petitioner. He has filed custody certificate dated 24.07.2025 in the Court which is taken on record. As per the custody certificate, the petitioner is in custody for the last more than 06 months and he is not involved in any other case.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the custody period of the petitioner which is 06 months and 06 days and also the facts that the investigation is complete; charges are yet to be framed; the petitioner is not involved in any other case and the trial may take a considerable time to conclude, therefore, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court concerned.

7. The petition stands disposed of accordingly.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

25.07.2025

monika

Whether speaking/reasoned

Whether reportable

: Yes/No

: Yes/No

(NAMIT KUMAR)

JUDGE