



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105+213

CRM-M-35312-2024 (O&M)
Decided on : 08.01.2025

SARBJEET SINGH

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Vikas Gupta, Advocate for the
petitioner(s).

Ms. Ramta Chowdhary, DAG, Punjab.

KIRTI SINGH, J. (Oral)

CRM-102-2025

This is an application for placing on record the testimony of private witnesses i.e. PW1 to PW3 as Annexures P-10 to P-12.

2. Heard. For the reasons mentioned in the application, the same is allowed and Annexures P-10 to P-12 are taken on record subject to all just exceptions.

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The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.48 dated 15.03.2022 under Sections 363/366-A/465/420/506/120-B and 467 of IPC (Section 468 of IPC added later on), registered at Police Station Sadar Tarn Taran, District Tarn Taran.

2. The translated version of the FIR is reproduced below:-

“Statement of Joginder Singh S/o Ajaib Singh resident of Muhawa at present resident of Shaheed Udham Singh Nagar, Street No. 02, Cheema Depot, Tarn Taran Road, Amritsar, aged about 48 years, Mobile No.98144-73047, stated that I am resident of abovementioned address and a drive truck. We are five brothers. The eldest is Balwinder Singh, younger to him is Lakhwinder



Singh, I am younger to him, younger to me is Gurdev Singh and Shinder Singh. My brother namely Lakhwinder Singh has died. Me and Balwinder Singh we both live with our families at Amritsar. Gurdev Singh Kaka lives in Village Kandyala and Shinder Singh lives with his family at Village Muhawa. In the year 1995, I got married with Jaswinder Kaur D/o Anup Singh, resident of Jaoke, P.S. Lopoke. On 25.12.2005, one daughter namely Manpreet Kaur was born out of our wedlock. Afterwards, I adopted my sister-in-law Manjit Kaur's son namely Jugraj Singh, who is now about 11 years old and studying in the 3rd standard. My daughter namely Manpreet Kaur studies in 11th class at Ajit Vidyalaya Senior Secondary School, Amritsar. On the intervening night of 14/15.10.2021, we all the family slept in the room after having dinner. Me and my son slept on one bed and my wife and my daughter slept on other beds. When I wake up at 01:30 AM, then I saw that my daughter was not at her bed upon which I searched her inside the house, who was not found in the house. The main door of our house was locked from outside, which we got opened by calling our neighbours then we searched for our daughter namely Manpreet Kaur in our neighbourhood and relatives but could not find her anywhere. Lateron, we came to know that Sarbjeet Singh S/o Dara Singh resident of Aima Malian, P.S. Sadar Tarn Taran took away my daughter namely Manpreet Kaur by alluring on the pretext of marriage inconnivance with the help of his sister-in-law in relation namely Kiran Kaur D/o Chinder Singh W/o Gurpreet Singh resident of Behla, maternal uncle namely Amarjeet Singh @ Amba S/o not known resident of Behla, P.S.City Tarn Taran, brother namely Nishan Singh S/o Dara Singh and father namely Dara Singh S/o not known resident of Amma Malian, P.S. Sadar Tarn Taran. That this person by appearing before the Hon'ble Court of Ms.Priya Sood Sessions Judge, Tarn Taran is seeking protection. To which, I alongwith my cousin brother namely Kulbir Singh S/o Joginder Singh resident of Muhava reached before Hon'ble court and requested that the girl is a minor. That the judge gave us confidence regarding the verification of the date of birth of the girl. My daughter's old Aadhaar card, birth certificate and school certificate shows the year of birth as 2005, but the accused changed the date of birth of girl to 2003 and presented the same before the Hon'ble court. The date of birth of my daughter is being verified by the police. The age



of my daughter is about 15 years and 9 months. Instead of returning my daughter, the accused are threatening me. My daughter has mobile phone of Oppo company, which had two numbers i.e. 70091-65721 and 75298-39308. While leaving, she also took the mobile phone with her. Legal action should be taken against abovesaid accused. Statement has been recorded, heard and is correct. Today I alongwith Kulbir Singh S/o Joginder Singh resident of Muhava P.S. Gharinda haverecorded our statement. Sd/- Joginder Singh, Witness Sd/- Kulbir Singh. Attested Sd/- Balbir Singh SI P.S. Sadar Tarn Taran dated 15.03.2022.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case and there is unexplained delay of five months in registering the FIR. He also submits that all material witnesses PW1, PW2 and PW3 have turned hostile. He further submits that the petitioner has undergone an actual custody of 11 months and 28 days and is not involved in any other criminal case.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. She has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 11 months and 28 days and there is no other criminal case registered against him. She on instructions from ASI Manjinder Singh submits that charges were framed on 21.05.2024 and out of a total of 11 prosecution witnesses, only 03 have been examined till date.

5. Heard the rival submissions made by learned counsel for the parties.

6. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, investigation

of this case is complete and charges were framed on 21.05.2024 and out of a



total of 11 prosecution witnesses, only 03 have been examined till date. The material witnesses i.e. PW1,s PW2 and PW3 have turned hostile. The petitioner has undergone an actual custody of 11 months and 28 days and there is no other criminal case registered against him. The conclusion of trial will take a considerable period and further detention of the petitioner will not serve any useful purpose and will be violation of Article 21 of the Constitution of India including the right to speedy trial, and is against the principle "Bail is a rule, jail is an exception" as elucidated in the judgment of Apex Court in "Dataram Singh vs. State of Uttar Pradesh and another", (2018) 3 SCC 22. Therefore, this Court is of the considered view that further incarceration of the petitioner will not serve any purpose.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence.



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8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

08.01.2025

Kavita

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No