



CRM-M-57682-2024 (O&M)

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

**CRM-M-57682-2024 (O&M)
Date of Decision: 22.04.2025**

Aman Singh alias Aman and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vinod Ghai, Senior Advocate assisted by
Mr. S.P.S. Aulakh, Advocate and
Mr. Arnav Ghai, Advocate,
for the petitioners.

Mr. P.S. Bhandari, AAG, Punjab.

Mr. Harish Bhatti, Advocate,
for respondent No.2/complainant.

JASGURPREET SINGH PURI, J. (ORAL)

CRM-15225-2025

For the reasons mentioned in the application, the same is allowed and the amended memo of parties is taken on record, subject to all just exceptions.

Main case

1. The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioners in FIR No.122 dated 09.08.2024 under Sections 376-D, 458 of IPC, registered at Police Station Tibba, District Ludhiana.

2. Learned Senior Counsel appearing on behalf of the petitioners submitted that it is a case where even as per the contents of the FIR itself, the

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brother of the complainant/victim, namely, Abhijit had friendship with the daughter of Ravinder Singh (sister of petitioner No.1 in the present case) and because of the aforesaid friendship, they ran away and thereafter they solemnized marriage. The complainant resides in Ludhiana but otherwise belongs to State of Uttar Pradesh whereas both the petitioners also belong to State of Uttar Pradesh. Since the sister of petitioner No.1 had solemnized the marriage with the brother of the complainant against the wishes of the petitioners and other family members, they had rather filed a complaint to the police and the police officials from Kota (Rajasthan) had gone to the house of the complainant on 01.05.2024 for tracing and recovering the sister of petitioner No.1. He further submitted that the present FIR was lodged on 09.08.2024 by alleging that on 01.05.2024 when the petitioners along with other co-accused and the police officials from Kota had visited the house of the complainant for the purpose of recovering the sister of petitioner No.1 who was thereafter traced and recovered on 02.05.2024 and handed over to the family members. He also submitted that the present FIR was lodged in a motivated manner in vengeance in order to implicate the petitioners in a false case of gang rape. He further submitted that both the petitioners are in custody from 15.08.2024 which is more than 8 months and investigation of the case has already been completed and even the challan has also been presented before the competent Court but the charges are yet to be framed. He also submitted that the co-accused, namely, Ravinder Singh and Birendra Singh, who have filed a separate petition for grant of anticipatory bail before this Court, have already been granted interim protection by this Court in CRM-M-60565-2024 vide an order of even date. He submitted that considering the aforesaid facts and circumstances, both the petitioners may be considered for



grant of regular bail.

3. Learned Senior Counsel further submitted that so far as petitioner No.2 is concerned, he is a person with disability of 35% and is the brother-in-law of that girl, who was illegally taken away by the brother of the complainant.

4. On the other hand, Mr. P.S. Bhandari, learned AAG, Punjab on instructions from ASI Kamaljit Singh submitted that so far as the custody of the petitioners is concerned, they are in custody for 8 months and it is also correct that the investigation of the case has already been completed and the challan has also been presented before the competent Court but the charges are yet to be framed. He however submitted that since the allegations against the petitioners are serious in nature, they do not deserve the concession of regular bail. So far as the antecedents of the petitioners are concerned, he submitted that it is correct that both the petitioners are having clean antecedents and are not involved in any other case.

5. Mr. Harish Bhatti, learned counsel for respondent No.2/complainant submitted that specific allegations have been levelled against the petitioners and they were also present in the house of the complainant at the time of occurrence even as per Annexure P-6.

6. I have heard the learned counsels for the parties.

7. It is a case where the brother of the complainant/victim, namely, Abhijit had taken away the sister of petitioner No.1 in an illegal manner and had thereafter solemnized marriage with her which was against the wishes of her family members. The present FIR was lodged on 09.08.2024 by alleging an incident of 01.05.2024 which was the date when the petitioners along with other co-accused and the police official from Kota had visited the house of the

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complainant for the purpose of recovering the sister of petitioner No.1 who was thereafter traced and recovered on 02.05.2024. On perusal of the FIR, it can be seen that the same may have been lodged in a motivated manner in vengeance to implicate the petitioners in a false case of gang rape as per allegations. The custody of both the petitioners come out to be 8 months. Both the petitioners are having clean antecedents and are not involved in any other case. Furthermore, it is neither the case of the State nor it has been so argued by learned State counsel that in case the petitioners are released on bail then they may abscond or flee from justice or tamper with the evidence or influence any witness. Therefore, considering the aforesaid facts and circumstances of the present case and the alleged role of the petitioners and also the background of the case, this Court deems it fit and proper to grant regular bail to the petitioners.

8. Consequently, the present petition is allowed and the petitioners are ordered to be released on regular bail on furnishing their bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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

10. Since the main case has already been allowed, all the pending applications also stand disposed of.

22.04.2025*Bhumika***(JASGURPREET SINGH PURI)****JUDGE**

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| 1. Whether speaking/reasoned | Yes/No |
| 2. Whether reportable: | Yes/No |