

CRM-M-64141-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64141-2024
Reserved on: 07.05.2025
Pronounced on: 19.05.02025

Yaspal @ Yash ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sheena Khanna, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
56	07.06.2023	Satnampura (Phagwara)	363, 370, 120B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. As per custody certificate dated 06.05.2025, the accused has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That complainant has stated that on 07/06/2023 as per their routine had gone to his shop and his wife had gone to her shop at Kot Rani and his daughter aged about 15 years alone was at home but when his son Ravi aged about 19 years had returned to home after school hours he had found that the victim was missing from home.

5. That complainant further stated that he and his family on their enquiry came to know about Jass resident of Gobind Pura i.e. present petitioner and went to his house to enquire about the whereabouts of their daughter where mother and younger brother of Jass told that Jass i.e. present petitioner was also not present in the house since morning and his phone was also switched off and the mother of Jass also disclosed that they were

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aware that Jass i.e. present petitioner had been talking with victim and had requested for time till evening to enquire the matter to know where about of the victim and Jass. The complainant was of full belief that the victim who was minor girl had been abducted by Jass i.e. present petitioner in connivance with his father Bhola@ Raj Kumar and Balwinder Kaur wife of Raj Kumar and brother of Yash and ultimately prayer was made for recovery of the minor girl victim as such he requested to take legal action against the culprits.

6. That after registration of FIR, during the course of investigation the statements of witnesses were recorded, accused Balwinder Kaur and Raj Kumar were arrested on 17.06.2023 and co accused Yashpal alias Jass i.e. present petitioner was arrested on 28.6.2023 who got recovered the victim from the house of Ritu Kumari. The victim was subjected to medical examination and was produced before the Ld Judicial Magistrate, Kapurthala and her statement under section 164 Cr.PC. was recorded on the basis of which, the co-accused Mona, Liza, Prince, Ritu and Preeti were nominated as accused after addition of section 370 of IPC vide DDR no.18 dated 04.07.2023 in the case.”

4. Petitioner seeks bail on parity with Balwinder Kaur and another, who were granted bail by Coordinate Bench of this Court vide order dated 21.03.2024 passed in CRM-M-59744-2023. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and submits that petitioner is not entitled to bail on parity. He further opposes the bail on the ground of seriousness of allegations.

REASONING:

6. Analysis of the above arguments would lead to the following outcome.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

“Role of Petitioners and evidence against petitioner

12. That petitioner actively participated in the commission of crime in present case as he has enticed away daughter of complainant in connivance with other co-accused, moreover complainant has levelled specific allegations against the petitioner of abducting his daughter and co-accused Balwinder Kaur has admitted before the complainant that she knew about relationship of victim with accused Yashpal thus the petitioner

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does not deserve any leniency from this Hon'ble Court as such present petition is liable to be dismissed.”

8. Perusal of the reply and the sections arraigned in FIR, clearly point out that it was a case of abduction and trafficking and further there is no allegation that victim was accepted to any sexual activity. Considering the fact that petitioner’s custody is more than 01 year 10 months and coupled with the petitioner’s age and absence of criminal antecedents, this Court does not deem it appropriate to continue further custody.

9. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per the custody certificate dated 06.05.2025, the petitioner’s total custody in this FIR is 01 year, 10 months & 02 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

10. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner’s complying with the following terms.

14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

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15. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the property, workplace, and residence of the victim until the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to *Vikram Singh v Central Bureau of Investigation*, 2018 All SCR (CrI.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

16. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

19.05.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.