



CRM-M-64681-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-64681-2024 (O&M)

Date of Decision: 20.05.2025

Naresh Kumar alias Sonu Behnwal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Anuj Kumar Sharma, Advocate for
Ms. Ritika Sachdeva, Advocate,
for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, Sr. DAG, Punjab.

Mr. Harish Kumar Bhatti, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in FIR No.54 dated 25.07.2024 under Sections 137(2) and 96 of BNS, 2023, registered at Police Station Daba, District Ludhiana.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 19.09.2024 which is more than 8 months and the investigation of the case has already been completed and thereafter challan has also been presented before the competent Court. He further submitted that it is a case where the complainant has lodged an FIR by alleging that his daughter of the age of 17 years went missing and later on came to know that she has been enticed away but initially the petitioner was not named in the



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FIR. Thereafter, since the girl was not traced, various efforts were made by the police to trace the girl and it was on 16.09.2024 that a supplementary statement was suffered by the complainant by which he named the present petitioner and two other co-accused, namely, Akash and Ballu and thereafter, the petitioner was nominated in the present FIR. He also submitted that the petitioner was already in custody in some other case and his production warrants were taken and he was remanded in judicial custody and thereafter, investigation was conducted but so far as the girl is concerned, she was not traceable. Similarly, the other co-accused, namely, Akash and Ballu were also arrested and ultimately, the girl was recovered from another co-accused, namely, Arjun and in this way, in fact the petitioner has been falsely implicated in the present case on the basis of false supplementary statement made by the complainant. He submitted that since the petitioner has already faced incarceration for 8 months, he may be considered for grant of regular bail.

3. On the other hand, Mr. Gaurav Gurcharan Singh Rai, learned Sr. DAG, Punjab has filed a status report by way of an affidavit of Assistant Commissioner of Police, Industrial Area-B, Ludhiana in Court today and the same is taken on record. He while referring to the aforesaid affidavit submitted that as per the reply, after the supplementary statement was made by the complainant, the name of the petitioner was nominated and at that point of time, he was already in custody in some other case and his production warrants were taken and ultimately, the girl has been recovered from another co-accused, namely, Arjun and not from the petitioner. He further submitted that so far as the custody of the petitioner is concerned, he is in custody for 8 months and it is correct that the investigation of the case has been completed



and challan has also been presented before the competent Court.

4. Mr. Harish Kumar Bhatti, Advocate has caused appearance on behalf of the complainant and submitted that the petitioner was in connivance with the aforesaid co-accused, namely, Arjun from whom the recovery of the girl was made.

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

6. The custody of the petitioner has come out to be 8 months and as per the learned counsels for the parties, investigation of the case has already been completed and challan stands presented before the competent Court. A perusal of the affidavit filed by the State and the arguments addressed by learned counsels for the parties, the girl went missing and in consequence of the same, the father of the girl, who is the complainant has lodged an FIR and thereafter, the girl remained untraced and in the meanwhile, a supplementary statement was suffered by the complainant by implicating the petitioner and the other co-accused but it was later on that the girl was recovered from the another co-accused, namely, Arjun.

7. After hearing the learned counsels for the parties, this Court is of the view that considering the aforesaid facts and circumstances and the custody of the petitioner and the fact that it is neither the case of the State nor it has been so argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witnesses, he deserves the concession of regular bail.

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



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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.

20.05.2025

Bhumika

**(JASGURPREET SINGH PURI)
JUDGE**

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