

**Sr.No.217**

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

**CRM-M-19614 of 2020(O&M)  
Date of decision:02.12.2020**

**Sanjay Kumar @ Sanjay @ Happy**

**... Petitioner(s)**

**versus**

**State of Punjab**

**... Respondent (s)**

**Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri**

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

Mr. Saurav Khurana, DAG, Punjab.

**Through Video Conference**

**Jasgurpreet Singh Puri, J.(Oral)**

Present petition has been filed under Section 439 Cr.P.C seeking regular bail in FIR No.3 dated 12.01.2019 registered under Sections 363, 366-A IPC and Sections 376, 354-D IPC added later on and Sections 3 and 4 of the Protection of Children from sexual offences Act, 2012(added later on) at police station Satnampura, District Kapurthala.

FIR was lodged on the basis of statement of Gorakh Prasad son of Sant Prasad by stating that he has six daughters and one son. Four daughters are married and the youngest daughter namely, Jyot @ Pooja is around 13 years old and has passed five classes. On 07.01.2018 his daughter went home without telling them but no one was there and he has a strong suspicion that his daughter namely, Jyot

@ Pooja was abducted by Sanjay @ Happy(petitioner) son of Prem Lal.

Learned counsel for the petitioner has submitted that FIR was lodged on the basis of suspicion only and he has referred to Annexure P-2 wherein affidavit has been given by the complainant that the petitioner has never abducted and kidnapped the daughter of the complainant. He has further submitted that the petitioner has been falsely implicated in the present case and challan in the present case has already been presented although charges have not been framed and therefore, no useful purpose will be served in case the petitioner is kept in custody.

On the other hand, learned State counsel has referred to the short reply filed by the Deputy Superintendent of Police, Sub Division, Phagwara District Kapurthala wherein it has been stated that as per the School Leaving Certificate the Date of Birth of the victim is 15.05.2007 and according to the medical report, issued by the Punjab Health System Corporation Civil Hospital, Jalandhar the victim was taken to the Civil Hospital, Jalandhar and medical report of the victim reflects that at the time of admission she was pregnant and foetus was already expelled at home on 18.04.2020. Learned State counsel has submitted that girl was of 13 years and was kidnapped by the petitioner and the matter was serious in nature. He has further submitted that although challan has been presented but after the consideration for framing of the charge, the material witnesses are yet to be examined and therefore, in case the petitioner is released on bail then there is likelihood that he may influence the witnesses or tamper with the

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record.

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

Considering the factual position that the victim was 13 years of age at the time when she was allegedly kidnapped by the petitioner and that the material witnesses are yet to be examined, I do not deem it proper to grant regular bail to the petitioner at this stage. So far as the affidavit Annexure P-2 is concerned the same has now been suffered by the father of the petitioner that the petitioner never abducted her daughter cannot become a ground for admitting the petitioner to bail.

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

**2<sup>nd</sup> December, 2020**  
Shivani Kaushik

**[JASGURPREET SINGH PURI]**  
**JUDGE**

|                                  |               |
|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| Whether Reportable               | Yes/No        |