

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
(211)**

**CRM-M-24530-2021
Date of decision:-23.11.2021**

Daljit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Jatin Khurana, Advocate, for
Mr. Roopak Bansal, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

...

SUVIR SEHGAL, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.002 dated 02.01.2021 registered under Sections 363, 366-A of the Indian Penal Code, 1860 (Sections 376 and 120-B IPC and Section 3 and 4 of Protection of Children from Sexual Offences Act, 2012 were added later on) at Police Station City Kapurthala, Punjab.

FIR, Annexure P-1, has been registered on the statement of father of the victim, on the allegation that his daughter (name withheld) whose date of birth is 29.03.2004 and is studying in Class XI in a Public School has left her home on 01.01.2021 at about 1.00 PM on the pretext of going to a book shop, but has not returned. Her phone is switched off and despite extensive search, she has not been found. In his complaint, he

suspected that Daljit Singh (present petitioner) has tricked her into marrying him and has allured her.

Counsel for the petitioner submits that the victim left her home of her own volition and stayed with the petitioner for a period of about 12 days before she was allegedly recovered from the custody of the petitioner. Counsel contends that there is no allurement on the part of the petitioner.

Per contra, learned State counsel, upon instructions from, ASI, Santokh Singh has opposed the petition. He has placed reliance upon the statement of the prosecutrix recorded under Section 164 Cr.P.C. as well as her testimony recorded before the Court where she has been examined as a prosecution witness. He has also referred to the antecedents of the petitioner while opposing the petition.

Having considered the facts and circumstances of the case, the Court is of the view that the petitioner is facing serious allegation of having enticed a girl who is 16 ½ years of age. The statement of the victim recorded under Section 164 Cr.P.C. as well as testimony is consistent with regard to seduction by the petitioner. The allegations against the petitioner are very specific and grave. The petitioner is facing trial in another criminal case bearing FIR No.128 dated 17.01.2019 registered for the offence under Sections 363, 366-A at Police Station Division No.7, Jalandhar with almost similar accusation of enticing a minor of 17 years old girl, which fact has been suppressed from this Court.

In view of the above circumstances, the petitioner is not entitled for the concession of bail pending trial.

Petition is dismissed.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

23.11.2021
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No