

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-12654 of 2022

Date of decision: 30th March, 2022

Navdeep Singh @ Nav

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Aditya Pratap Singh, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

This is a third petition seeking regular bail in FIR No. 12 dated 18.2.2020, under Sections 363, 366 and 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Division No. 2, Pathankot.

The FIR was registered at the instance of Sarabjit Saini. As per allegations, on 17.2.2020, niece of the complainant (victim-name withheld) went to school and did not return back. The complainant gained knowledge that Navdeep Singh (petitioner) had taken his niece by enticing her for marriage. The victim was minor, her date of birth being 17.12.2004. The victim was recovered. There were allegations of abduction and of sexual assault. Statement of the victim under Section 164 Cr.P.C. was recorded.

Learned counsel for the petitioner submits that the petitioner is in custody for more than two years, there is delay in examining the victim,

hence the petitioner is entitled to bail.

Learned counsel for the State opposes the prayer for grant of bail. He submits that the victim was minor. She has supported the allegations in statement recorded under Section 164 Cr.P.C. He further submits that examination-in-chief of the victim was concluded, thereafter there was delay in cross-examination as application under Section 319 Cr.P.C. was filed and thereafter learned counsel for the accused sought adjournment as he intended to cross-examine the complainant and the victim together.

The allegations against the petitioner are serious. It is a case where a minor was abducted and there was sexual assault. The victim is yet to be examined. On the one hand, adjournment was sought by defence counsel in the trial court and on the other hand, the present petition is moved for seeking bail on the ground that there is delay in trial.

Having conspectus of the facts, it is not a fit case for grant of bail solely relying upon custody period.

The petition is dismissed.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

30th March, 2022

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