

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M 45610/2022

Date of decision: 19.07.2023.

Baljeet Singh

.....Petitioner

Vs.

State of Punjab

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Brijesh Nandan, Advocate for the petitioner.

Mr. Pankaj Khullar, AAG Punjab

Nidhi Gupta, J.

Baljeet Singh son of Karnail Singh in this first petition under Section 439 Cr.PC prays for grant of regular bail in case FIR No.171 dated 19.5.2020 under Sections 363,366,376 and 120-B IPC and Sections 3 and 4 POCSO Act,2012, PS Maqboolpura, Amritsar.

It is submitted by the ld. Counsel for the petitioner that victim was 17 years old at the time of alleged incident. It is submitted that it is the case of the prosecution that the victim and the petitioner were roaming freely at the time of occurrence on 19.5.2020. It is submitted that this was wholly impossible as at that time there was nationwide lockdown and curfew was imposed. Ld. Counsel contends that therefore, the whole story is concocted and allegations on the face of it are incorrect. It is submitted that petitioner has been falsely implicated in the matter as there is some enmity with the father of the prosecutrix.

Custody certificate dated 18.7.2023 produced by the ld. State counsel is taken on record.

Ld. State counsel while opposing the prayer submits that age of the prosecutrix at the time of alleged occurrence was 16 years and petitioner had enticed her for marriage. Ld. Counsel further submits that there are three other cases pending against the petitioner bearing FIR No.06 dated 7.2.2021 under Sections 109/115/120/121/121-A/124-A/153-A/153-B IPC and 25 of the Arms Act, PS State Special Operation Cell; FIR No.4/23 dated 4.2.2023 under Sections 120/120-B IPC and 25 of the Arms Act, PS State Special Operation Cell; and FIR No.3/2019 dated 1.1.1900(sic) under Section 25 of the Arms Act, PS State Special Operation Cell. It is further submitted that 14 out of 18 witnesses remain to be examined.

After hearing ld. Counsel for the parties, keeping in view the totality of the facts and circumstances, and the period undergone, and without commenting on the merits of the case, it is the view of this Court that no case for grant of bail is made out.

Dismissed.

19.07.2023.
Joshi

(Nidhi Gupta)
Judge