



235 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-111405-2024
Date of decision: 8th May, 2024

Pritam Singh @ Kaka
...Petitioner(s)
Versus
The State of Punjab
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. S.K. Virk, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in FIR mentioned below:-

FIR No.	Date	Police Station	Sections
102	27.06.2019	Sadar Kapurthala	363 and 366-A of Indian Penal Code, 1860 (for short 'IPC')

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered under Sections 363 and 366 of IPC on the basis of statement recorded by complainant 'R' (name withheld) alleging therein that his minor grand daughter 'M' (name withheld) was studying in 9th Class and had come to visit him during vacations on 10.06.2019. On 26.06.2019, at about 1:00 PM, she left the house without informing anybody. He had made inquires at his own level



and had come to know that she had been enticed away by the petitioner on the pretext of performing marriage with her. She had also taken away an amount of Rs. 2,80,000/- kept in the almirah of his house along with her belongings. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested. The statement of victim under Section 164 of Cr.P.C. was recorded wherein she disclosed that she had gone with the petitioner at her own accord. They had firstly gone to Kapurthala then to Ferozepur and then they had gone to Delhi wherein they stayed in a Gurdwara for about ten days. She also disclosed that the petitioner had left her in the Gurdwara and had gone away. Thereafter, she had resided with one of her friends namely 'J' (name withheld). In December, 2022, she had met with one Pardeep and got married to him and was staying with him. Since the petitioner could not be apprehended, therefore, proceedings under Section 82 of Cr.P.C. were initiated against him and he was declared a proclaimed person on 10.10.2020. He was arrested on 07.01.2024. Presently, he is facing trial for commission of the aforementioned offences. He had moved an application for grant of bail before the learned trial Court which was dismissed vide order dated 15.02.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. Infact, the victim was in love with one Pardeep Kumar and got married with him on 09.12.2022. She has sworn an affidavit in his favour mentioning that she has no relationship with the present petitioner and does not even know him and a false case was got registered against him. There



are no specific allegations against the petitioner. FIR was lodged behind his back. The investigation and trial are likely to take time. No useful purpose would be served by keeping him in custody. Therefore, it is argued that he deserves to be extended benefit of bail. Along with the petition, he had annexed Annexure P-2 copy of a marriage certificate shown to be issued by Manav Sewa Trust, Fatehabad to the effect that the prosecutrix had performed marriage with Pardeep Kumar on 09.12.2022 and Annexure P-3 copy of an affidavit shown to be sworn by the prosecutrix submitting that her grand father had lodged a false case against the petitioner and she had no concern with him and she had solemnized marriage with Pardeep Kumar.

4. Status report has been filed by respondent-State, submitting therein that there are serious and specific allegations against the petitioner. He had enticed away the minor prosecutrix and had made her stay with him for a period of fifteen days and had taken her to different places but left her in the lurch while leaving her in a Gurdwara and thereafter, she got married to one Pardeep Kumar. It is further argued that no authenticity can be given to the contents of the affidavit alleged to be sworn by the prosecutrix at this stage, Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The allegations against the petitioner are that he had taken away the prosecutrix who was about fifteen years old as on 10.06.2019, out of lawful guardianship of her parents/guardian on the pretext of performing



marriage with her and after keeping her with him about twenty days, he had left her at a Gurdwara. The prosecutrix was not recovered from the custody of the petitioner but from the custody of Pardeep Kumar with whom the prosecutrix had subsequently performed marriage. In her statement recorded under Section 164 of Cr.P.C., she is shown to have stated that it was the petitioner who had enticed her away and she was taken by him to different places and was left at a Gurdwara. She stated that thereafter, she had stayed with one of her friends and then performed marriage with Pardeep Kumar. The petitioner is relying upon an affidavit claim to have been sworn by the prosecutrix, the contents of which reveal that she did not attribute any allegation qua her having gone missing, to the present petitioner and is even shown to have stated that she did not know the petitioner. However, the authenticity of this affidavit cannot be considered by this Court and it is for the trial Court to go into that question, on the basis of evidence to be recorded before it. The prosecutrix and other material witnesses are yet to be examined before the trial Court. The allegations against the petitioner *prima facie* show his involvement in the kidnapping of the prosecutrix by inducing her on the pretext of performing marriage with her. The act of the petitioner of leaving the prosecutrix behind in a Gurdwara is even more serious in nature, as he is presumed to have left her at the mercy of others. The petitioner was even declared proclaimed person and could be arrested only on 07.01.2024. There are chances of his intimidating the prosecutrix or absconding again, if extended benefit of bail at this stage. Therefore, in view of the discussion as made above, I am inclined to hold that the petition does



not deserve to be allowed. Accordingly, the petition is dismissed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

8th May, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |