



Sr. No.105+214

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

**CRM-45668-2024 in/and
CRM-M-23338-2023 (O&M)
Date of decision: 25th November 2024**

SUKHJIT SINGH @ KARAN

.....Petitioner

versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. K.S. Ahhi, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

CRM-45668-2024

Allowed as prayed for. Copies of statements of PW-1/T. Jain (prosecutrix), PW-2-Dr. Navjeet Kaur, PW-3 Abhishek Jain and copy of Ex.PW-1/D (statement of prosecutrix recorded under Section 164 Cr.P.C., are taken on record as Annexures P-12 to P-15.

CRM stands disposed of.

Main case

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.240 dated 23.09.2020, under Sections 3, 4, 5, 6, 7 of the Immoral Traffic Prevention Act, 1956 and Sections 376-D, 384, 342, 506 read with Section 120-B IPC, 1860 and Sections 3, 4 and 6 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station City Patti, District Tarn Taran.



2. The FIR was registered on the basis of secret information received and raid having been conducted in the premises of a hotel. At the time of raid, 02 women, 02 men, a boy and a girl locked in a room were recovered. Apart from this, some objectionable material and medicines were also recovered, which were taken into possession.

3. Learned counsel for the petitioners contends that the petitioner has been falsely implicated in the present case. The parents of the victim have been examined and they have not stated anything incriminating against the petitioner.

4. On the other hand, learned State counsel has opposed the present petition on the ground of gravity of allegations levelled against the petitioner.

4.1 Learned State counsel has filed an additional affidavit of Sh. Gurkirpal Singh, PPS, Deputy Superintendent of Police, PBI, Homicide and Forensic, Tarn Taran, District Tarn Taran, having additional charge of Sub-Division Patti, District Tarn Taran, on respondent-State along with custody certificate of the petitioner dated 25.11.2024, reflecting his actual custody period as 04 years 02 months and 01 day, which are taken on record.

5. I have heard the learned counsel for the parties and perused the relevant documents.

6. As per the statement of the prosecutrix recorded under Section 164 Cr.P.C., she was 13 years of age at the time of alleged occurrence. As per the medical report, the hymen of the victim was found torn and the possibility of sexual intercourse cannot be ruled out. The victim has supported the prosecution case in her statement recorded under Section 164



Cr.P.C. As per the report of the Forensic Science Laboratory, S.A.S. Nagar, Punjab, human semen was detected on the exhibits I(a) and II(a).

7. No doubt the custody of the petitioner is very long, however, the allegations levelled against him are serious in nature. The age of the prosecutrix was 13 years at the time of alleged occurrence. The allegations levelled against the petitioner have been supported by the prosecutrix in her statement recorded under Section 164 Cr.P.C. As per the prosecution version, both the petitioner and the prosecutrix were recovered from the same room at the time of alleged raid.

8. Keeping in view the manner of commission of offence, the age of the prosecutrix and the fact that the offence is alleged to have been committed in a public place, the petitioner does not deserve the concession of bail.

9. Consequently, the present petition stands dismissed. However, the trial Court is directed to expedite the trial.

10. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

25th November 2024
simran

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No