

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

288

CRM-M-32845-2023(O&M)

Date of order: 04.03.2024

Jatinder Kumar

.....Petitioner(s)

Vs.

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Viney Saini, Advocate for
Mr. Balkran Singh Aulakh, Advocate
for the petitioner.

Ms. Jagriti Kalia, Asst. AG Punjab.

Nidhi Gupta, J.

Present is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.36 dated 16.02.2022 registered under Sections 363 and 366-A IPC (Section 376 IPC and Section 6 POCSO Act added later on) at Police Station City Muktsar, District Sri Muktsar Sahib.

2. FIR in the present case was registered on the basis of statement of father of the victim, and the same reads as under:-

“Statement of Kewal Krishan son of Ram Dular Resident of Bhullar Colony Street No. 05 Sri Muktsar Sahib Umar about 38 years Mobile No. 75894-14473 stated that I live in the said address. I work as stone cutter. I have two daughters. The elder daughter's name is Priyanka, whose age is about 16 years, and who studies in class 11 at Government Girls Senior Secondary School, Bathinda Road, Sri Muktsar Sahib, and my younger daughter' s name is Roli whose age is 08 years, who lives with

my parents in village Saholi Jagdishpur Police Station Barda District Ajamgarh UP and my parents take care of the younger daughter Roli and in my house Jitinder Kumar son of Pramod Das resident of Uren Police Station Kajra District Lakhisarai Surajgarh Bihar was living on rent since 08 years and used to do stone laying work with me and used to talk to my family members and on 14/02/2022 when I along with my wife went out for household work and my daughter Priyanka and Jitinder Kumar were present at home. When we came home, my daughter Priyanka and Jitinder Kumar were not present at home. I have full confidence that Jatinder Kumar has enticed away my daughter Priyanka on the pretext of marriage andwhile going Jatinder Kumar has taken my daughter Priyanka's documents and belongings along with him. I have been searching for my daughter Priyanka on my own, but we have not found her, so today I along with Saurav Rai were coming to the police station to give information. You have met us. Legal action should be taken against Jatinder Kumar. Statement recorded to you, read, heard, correct. Sd/- Kewal Krishan supporting statement Sd/- Sorav Rai son of Durga Prashad Resident of Sri Muktsar Sahib attested Sd/- Jalandhar Singh ASI Police Station City Sri Muktsar Sahib Date 16/02/2022."

3. A request for adjournment was made by learned counsel appearing for the petitioner. Perusal of order sheets shows that on the last two dates of hearing i.e. 12.10.2023 and 22.11.2023, the matter was adjourned at request of learned counsel for the petitioner. As such, this Court is not inclined to entertain the said request made on behalf of the petitioner.

4. Learned State Counsel files custody certificate dated 03.03.2024, which is taken on record, as per which the petitioner has been

in custody for 2 years and 0 months and 2 days. On instructions from ASI Balwant Singh, learned State Counsel submits that the victim was 16 years of age at the time of incident. She went missing on 14.02.2022 and was recovered from the custody of the petitioner from a bus stand at Muktsar on 05.03.2022. On the same date i.e. 05.03.2022, the petitioner was arrested. In MLR, victim was found to be pregnant, however, subsequently her pregnancy was terminated. Challan was presented in the concerned Court on 02.06.2022 and charges were framed on 09.09.2022. It is also submitted that out of total 25 witnesses, so far 7 prosecution witnesses including the complainant and victim have been examined and they both have supported the prosecution case. Next date of hearing in the matter before the learned trial Court is 02.04.2024.

5. Without commenting on the merits of the matter, however, keeping in view the totality of the facts and circumstances of the case, the present petition is **dismissed**.

6. Pending application(s) if any also stand(s) disposed of.

04.03.2024

Sunena

(Nidhi Gupta)

Judge

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