



Sr. No.225

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

CRM-M-40270-2023
Date of decision: 20th May, 2024

SATNAM SINGH @ AMAN**Petitioner**

versus

STATE OF PUNJAB**Respondent**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Karanbir Singh Kahlon, Advocate for
Ms. Kuldeep Kaur, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.109 dated 01.07.2022, under Sections 363, 366-A (alternative Sections 376(3) and Section 6 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Machhiwara, District Ludhiana (Annexure P-1).

2. As per the prosecution case, on 29.06.2022, at about 08:00 AM, the prosecutrix, aged about 15 years, visited the house of a friend, where she was dropped by her father. The petitioner enticed away the prosecutrix and took her from the house of her friend to a hotel at Amritsar, where he committed rape upon her. The father of the prosecutrix searched for his daughter and came to know that she has been enticed away by the petitioner on the pretext of solemnizing marriage with her. On 30.06.2022, the father of the prosecutrix (complainant) received a phone call from the Sarpanch of the village that his daughter and the petitioner have returned, upon which, he went to the house of the Sarpanch. The prosecutrix



disclosed about the occurrence to her father and the matter was reported to the Police by him.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is a young boy aged 20 years and he is in custody for the last 01 year and 08 months. It is further contended that as per the conversation recorded in the CD (Annexure P-3), the prosecutrix has stated that the petitioner has no role to play in the alleged occurrence and there is no fault on the part of the petitioner. It is further contended that the prosecutrix has herself gone along with the petitioner.

4. On the other hand, the learned State counsel has opposed the present petition on the ground of gravity of allegations levelled against the petitioner. While referring to the status report dated 03.11.2023, filed by way of affidavit of Sh. Jaspinder Singh, PPS, Deputy Superintendent of Police, Samrala, Police District Khanna, District Ludhiana, the learned State counsel contends that the prosecutrix has stated in her statement recorded under Section 164 Cr.P.C. that on 29.06.2022, she went to the house of her friend Sukhjit Kaur from where, the petitioner took her to Amritsar. She was unaware of the fact that the petitioner would take her to Amritsar. The petitioner took her to a hotel where he committed rape upon her. It is further informed that on the basis of the said statement of the prosecutrix, the offence under Section 164 Cr.P.C., offence under Section 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012, was added.

5. Learned State counsel also contends that the FSL Report is still pending. However, he confirms that the petitioner was arrested on 31.08.2022 and the victim has appeared as a witness in the Court wherein she has supported her version even in her statement recorded under Section 164 Cr.P.C. As per the date of



birth certificate of the prosecutrix, issued by the Registrar, Birth and Death, Machhiwara, the date of birth of the prosecutrix has been verified as 01.07.2007.

6. I have considered the aforesaid contentions and perused the paper book.

7. The prosecutrix is of a tender age. There are allegations of sexual assault upon the prosecutrix. The FSL report is still pending. The offence alleged to have been committed by the petitioner is serious in nature and is punishable with rigorous imprisonment for a term which is not less than 20 years, which may extend to imprisonment for life, which means imprisonment for the remainder of that person’s natural life and is also liable to fine.

8. The allegations levelled against the petitioner are serious in nature, as such, there is apprehension of absconding of the petitioner, in case he is released on bail.

9. Keeping in view the aforesaid facts and circumstances, it is not a fit case to release the petitioner on bail. Consequently, the present petition stands dismissed.

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

(HARPREET KAUR JEEWAN)
JUDGE

20th May, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No