



CRM-M-42220-2024

-1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
281 CRM-M-42220-2024
Date of decision: 6th November, 2024
Sajjan Singh @ Commando

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Brijesh Nandan, Advocate for the petitioner.
(through video conferencing)

Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The instant one is the fifth petition for grant of regular bail as filed by the petitioner in case bearing FIR No. 141 dated 10.11.2020 registered under Sections 363, 366-A, 120-B, 376-D and 511 of IPC, 1860 (Sections 8 and 18 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') and Section 366 and 343 of IPC added later on) at Police Station Khalra, District Tarn Taran.

2. Adumbrated facts as emanating from the record are that the aforementioned FIR was initially registered under Sections 363 and 366-A of IPC on the basis of statement of the complainant to the effect that the victim who was his minor daughter had gone missing from his house at night of 08.11.2020. He also suspected that she had been enticed away by the co-accused Ranjeet Singh @ Rana in connivance with the present petitioner. The victim was recovered on 09.11.2020. She disclosed in her



statement recorded under Section 164 of Cr.P.C. to the effect that she had been kidnapped by the accused Ramni, Mota, Rana and present petitioner and they had tried to commit rape upon her. Offences under Sections 376-D, 511 and 120-B of IPC and Sections 8 and 18 of POCSO Act were added later on. Co-accused Baljeet Kaur was arrested on 20.11.2020. Subsequently, offences under Sections 366 and 342 of IPC were also added. The petitioner was arrested on 11.11.2020. He escaped from the custody of the police on the same day and was apprehended again on 18.02.2021.

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. He is in custody since 18.02.2021. The prosecutrix has since been examined. No case for commission of offences punishable under Sections 343, 366 and 376-D read with Section 511 of IPC and Sections 8 and 18 of POCSO Act has been made out against him. In her sworn deposition, the prosecutrix has clearly stated that no offence of rape had been committed upon her. Trial is likely to take time since out of thirty one prosecution witnesses, only eight have been examined so far. The extended period of incarceration is also a ground for extending benefit of bail to the petitioner. It is argued that there is substantive change in the circumstances from the date when previous petition for grant of bail as filed by the petitioner has been dismissed. With these broad submissions, it is urged that he deserves to be extended benefit of bail.

4. Status report has been filed by the respondent-State. It is submitted therein and it is argued by learned State counsel that there are

**CRM-M-42220-2024****-3-**

specific and serious allegations against the petitioner. His previous bail petition for grant of regular bail has been dismissed on merits. The trial is going on at a proper pace. There are chances of petitioner's absconding, if extended benefit of bail as previously also he had absconded. Therefore, it is urged 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. As per the allegations, the petitioner along with the co-accused kidnapped the minor prosecutrix out of the custody of her parents and he along with co-accused had attempted to commit rape upon her. The prosecutrix has been examined before the learned trial Court and copies of her sworn statements have been placed on record as Annexures P-6 and P-7. A perusal of the same reveals that she had supported the prosecution version by saying that the petitioner was one of the persons who had kidnapped her as well as attempted to commit rape upon her. The allegations against the petitioner are serious in nature. In his previous bail petition bearing CRM-M-62423-2023, similar pleas had been taken. There is no substantive change in the circumstances from the date of dismissal of the previous bail petition. The allegations against the petitioner are serious in nature. There is nothing on record to show that there would be any undue delay in conclusion of the trial. Three of the previous petitions as filed by the petitioner have been dismissed as withdrawn and fourth petition bearing CRM-M- 62423-2023 had been dismissed vide order dated 01.03.2024. Even otherwise, it is well



settled proposition of law that when successive bail applications come before the Court, the Court should be very cautious while considering the same. Successive bail applications can be entertained by the Court when some substantial change is established by the accused thereby making him entitled for grant of bail. Reference in this regard can be made to *State of Maharashtra Vs. Captain Buddhikota Subha Rao, AIR 1989 Supreme Court, 2292*, wherein it was observed so and it was further held that the Court should not pass an order of release of an accused on bail in successive bail application merely establishing some cosmetic change between time gap of two applications. There must be some drastic change during the period between two applications. Reference can also be made to *Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and another (2004) 7 SCC 528*, wherein it was observed by Hon’ble Supreme Court that where the offence alleged against an accused is grave, bail cannot be granted only on the ground of long incarceration.

7. In view of the above discussion and keeping in view the facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition does not deserves to be allowed. Hence, the same is dismissed.

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

[MANISHA BATRA]
JUDGE

6th Novcmber, 2024

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No