



CRM-M-51422-2023 (O&M)

218

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51422-2023 (O&M)

DATE OF DECISION: 28.10.2024

JUDGE SINGH @ JUDGBIR SINGH

.....PETITIONER

Vs.

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

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

Ms. Sakshi Bakshi, A.A.G., Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 111, dated 20.08.2020, (Annexure P-1) under Sections 376, 363, 366-A and 506 of the Indian Penal Code, 1860 (for short '*the IPC*') read with Section 120-B thereof and Sections 4 & 6 of the Protection of Children from Sexual Offences, Act, 2012 (for short '*the POCSO Act*'), registered at Police Station Harike, District Tarn Taran.

2. A Custody certificate, dated 25.10.2024, of the petitioner showing actual undergone period of 04 years, 01 month and 11 days, as well as, a copy of the statement of the prosecutrix recorded under Section 164 Cr.P.C. have been filed in Court today by learned State Counsel. The same are taken on record. Office to tag the same at appropriate place.



CRM-M-51422-2023 (O&M)

3. Learned counsel for the petitioner submits that the statement of the prosecutrix is not being recorded as she is not appearing before the trial Court. He further submits that the complainant has also not supported the case of the prosecution.

4. On the other hand, learned counsel for the State, on instructions from ASI Tarsem Singh, has informed that as per the information given by the investigating officer, that the parents have informed him that the prosecutrix has left the house as she got mentally disturbed, as such, she is not appearing before the trial Court.

5. The statement of the prosecutrix is yet to be recorded. The prosecutrix is 15 years of age. As per her version in the statement recorded under Section 164 Cr.P.C, the petitioner is alleged to have threatened her to kill her brother and father. She went along with the petitioner on 13.08.2020 and from there she was taken to a friend's house of the petitioner where they stayed for 16 to 17 days. The petitioner is alleged to have made sexual relationship with the prosecutrix against her wishes. Thereafter, she was taken in the house of another relative of the petitioner, where they stayed for 08 to 09 days. The prosecutrix was recovered from the custody of the petitioner.

6. Keeping in view the above facts and circumstances, especially keeping in view the age of the prosecutrix, no case for grant of concession of regular bail to the petitioner, at this stage, is made out.

7. Consequently, the petition stands dismissed.

8. However, it is made clear that nothing observed hereinabove will be taken to be an observation on the actual merits of the case, which

CRM-M-51422-2023 (O&M)



would be taken up by the learned trial Court wholly on the basis of evidence led/gathered before it.

OCTOBER 28, 2024
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes/No
Whether Reportable	Yes/No