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

**CRM-M-55249-2023 (O&M)
Date of decision : 06.05.2024**

Majer Singh @ Jashan

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Yashpal Thakur, Advocate and
Mr. Harwinderjeet Singh Sandhu, Advocate for the petitioner.

Mr. Jasjit Singh, DAG Punjab.

Mr. Amit Kashyap, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.130 dated 28.07.2022 under Sections 363, 366-A and 34 of the Indian Penal Code, 1860 (Sections 376, 201 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 were added later on), registered at Police Station City Patti, District Tarn Taran (Annexure P-1). First petition being CRM-M-5298-2023 was dismissed as withdrawn vide order dated 07.12.2023.

2. Learned counsel for the petitioner would contend that the FIR



was lodged on the complaint of the father of the victim who stated that on 27.07.2022 when he went to pick up his daughter from the school and while he was standing in front of the main gate of the school, Majer Singh (petitioner herein) alongwith Sawinder Singh son of Bachan Singh came on a motorcycle and took his daughter away on the motorcycle and that he had suspicion that she had been enticed away by Majer Singh (petitioner herein) on the pretext of marriage. The learned counsel would further contend that the victim in her statement recorded under Section 164 CrPC had stated that she had been made to sniff some intoxicant substance and she had fallen unconscious which is contrary to the version given by her father who is stated to be present at the time she was alleged to have been taken away by the petitioner on the motorcycle. It is further the contention that she has specifically stated that no wrong act was committed with her and even when she was taken for medical, she has not stated regarding any sexual assault. Learned counsel would further contend that there is an improvement in the statement of the victim while appearing before the Trial Court. It is further the contention of the learned counsel that all material witnesses stand examined. It is further the contention of learned counsel for the petitioner that the petitioner has been in custody for a period of 01 year 08 months and 10 days and that he has clean antecedents.

3. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 01 year 08 months and 10 days and that there is no other case pending against him. Learned State counsel has also filed a status report by



way of affidavit of Kanwalpreet Singh, PPS, Deputy Superintendent of Police, Sub Division Patti which is taken on record. Registry to scan the same and tag at the appropriate place. Learned counsel for the State has referred to the status report to contend that the allegations are serious in nature and that the victim is only 17½ years old at the time of commission of the offence.

4. Heard.

5. In the present case the FIR was registered on the statement of the father of the victim who stated that when he was standing in front of the main gate of the school, Majer Singh (petitioner herein) had taken his daughter away on the motorcycle and that he had suspicion that she had been taken away by Majer Singh on the pretext of marriage. The victim in her statement recorded under Section 164 CrPC had not made any allegations of rape. However, in her statement before the Trial Court she has stated that she was taken to various hotels and there the petitioner had committed rape upon her. Even when she was taken for her medical, no sexual assault had been alleged. All material witnesses stand examined. As per the custody certificate the petitioner has been in custody for a period of 01 year 08 months and 10 days and that there is no other case pending against him. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

6. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail

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subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off. Pending applications, if any, also stand disposed off.

06.05.2024

Yogesh Sharma

(ALKA SARIN)**JUDGE**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO