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

CRM-M-55489-2024

Date of Decision: December 10, 2024

Pritam Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Varun Goyal, Advocate
for the petitioner.

Mr.J.S.Arora, DAG, Punjab.

.....

RAJESH BHARDWAJ, J.(ORAL)

1. Instant petition has been filed praying for grant of regular bail to the petitioner in case FIR No.10, dated 21.01.2022, under Sections 363, 366-A, 376 IPC and Section 4 of the POCSO Act, registered at Police Station Div.No.1, Jalandhar.

2. As per case of the prosecution, FIR in the present case was lodged on the statement of the mother of the victim. It was alleged that on 18.01.2023, at about 9.00 her daughter, aged about 14 years old, went to the field but did not return. On inquiry, it was found that her daughter went with Pritam on motor-cycle. They lodged a complaint regarding the same. However, on 19.01.2022 her daughter informed the complainant on her telephone that she was forcibly taken away by Pritam on 18.01.2022 and after taking her to his room, he forcibly committed rape upon her. On

hearing, they went to her and brought her back and thus made a request that



action be taken against the accused. After registration of the FIR, investigation commenced. The petitioner was arrested on 27.01.2022. He approached the Court of learned Additional Sessions Judge, Jalandhar, praying for grant of bail, however, after hearing both the parties and finding no merit in the same, the same was declined vide order dated 05.04.2024. Hence, the petitioner is before this Court praying for grant of bail.

3. It has been contended by counsel for the petitioner that petitioner has been falsely implicated in this case. He submits that at the time of alleged occurrence, the petitioner was hardly 19 years of age. He submits that both the petitioner and the prosecutrix were in relationship, however, later on, on the statement of the victim, who is a minor, he has been implicated in the present case. He submits that relationship between both of them was consensual. He submits that petitioner is behind bars since the date of his arrest and till date the trial is not concluded. He further submits that petitioner has no criminal antecedents and thus in the overall facts and circumstances of the case, he deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by learned counsel for the petitioner. He submits that victim in the present case is 14 years of age and even if the relationship between both of them was consensual, the same is meaningless in the eyes of law. He submits that prosecutrix and the complainant have been examined and they have supported the case of the prosecution. However, he submits, on instructions from ASI Nasib Singh, that petitioner has no criminal antecedents. He submits that out of 25 prosecution witnesses, 15 have been

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5. After hearing learned counsel for the parties, it is deciphered from the facts and circumstances of the present case that victim in the present case is 14 years of age and she went missing from her home on 18.01.2022 and she was recovered on the next date, i.e. 19.01.2022. As submitted, material witnesses have already been examined including the complainant and the victim. There is nothing on record to show that the petitioner has any criminal antecedents. Out of 25 prosecution witnesses, 15 have already been examined which would reveal that the material witnesses already stand examined. Veracity of the allegations would be assessed by the trial Court only after appreciation of evidence to be led by both the parties. However, this Court would refrain itself from commenting anything on merits of the case, at this stage. In the overall facts and circumstances of the case, this Court finds that counsel for the petitioner succeeds in making out a case for grant of bail to the petitioner.

6. In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to the satisfaction of trial Court/Duty Magistrate concerned. Nothing stated herein shall be treated as an expression of opinion on the merits of the case.

December 10, 2024

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**(RAJESH BHARDWAJ)
JUDGE**

1. **Whether speaking/reasoned ?**
2. **Whether reportable ?**

**Yes/No
Yes/No**