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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2425-2025
Date of decision: 22.01.2025

LALLAN

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. J. S. Thakur, Advocate for the petitioner.

Mr. P. S. Bhandari, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 483 of the BNSS, 2023 for the grant of regular bail to the petitioner in FIR No.165 dated 20.07.2024, under Section 127(6) of BNS (Sections 137(2) and 87 of BNS, added later on), registered at Police Station Rama Mandi, Jalandhar Commissionerate, Punjab.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 09.11.2024, which is about 2½ months and it is a case where after the investigation, challan was presented and the case has now been committed to the Sessions Court. He further submitted that as per the allegations, the complainant lodged an FIR with the police that his daughter, who is of the age of 16 years and studying in 6th class in a school at Jalandhar was missing and somebody has taken her away. He further submitted that thereafter, on the basis



of CCTV footage, names of the petitioner and his son, namely, Rahul were nominated. He further submitted that both the petitioner and his son were arrested but thereafter, the son of the petitioner has since been granted the benefit of regular bail because he is a juvenile. He also submitted that the petitioner being a father had no role to play at all with regard to abduction, if any, of a minor girl and therefore, he may be considered for the grant of regular bail.

3. On the other hand, Mr. P. S. Bhandari, AAG, Punjab has opposed the grant of regular bail to the petitioner on the ground that even though the custody of the petitioner is about 2½ months and the investigation of the case has already been completed but it is a case where the father of the minor girl had lodged an FIR with the police and during the investigation, on the basis of CCTV footage, it was found that the petitioner and his son, namely, Rahul were involved in the present offence and it is seen in the aforesaid CCTV footage that the son of the petitioner was taking the minor girl in an auto rickshaw. He further submitted that as per his instructions, the son of the petitioner, namely, Rahul has not yet been arrested and he is absconding. He further submitted that the minor girl has still not been traced and best efforts are being made by the police to trace the minor girl and the petitioner and his son were nominated on the basis of DDR dated 04.10.2024 on the basis of the evidence so collected including the CCTV footage captured from the vicinity of the area and therefore, considering the aforesaid facts and circumstances where the minor girl has not yet been traced, the petitioner may not be granted the concession of regular bail.



4. I have heard the learned counsels for the parties.
5. It is a case where the petitioner is in custody from 09.11.2024, which is about 2½ months and as per the allegations, the father of the victim had lodged an FIR with the police that his minor daughter of the age of 16 years studying in Class 6th was missing. The minor girl has still not been traced. As per the learned counsel for the petitioner, the son of the petitioner being juvenile has been extended the benefit of regular bail. However, the learned State counsel has stated on specific instructions that the son of the petitioner is absconding and he was never arrested by the police.
6. After hearing the learned counsels for the parties, this Court is of the considered view that it is a case where the minor girl is still untraced and the petitioner was nominated on the basis of evidence so collected during the investigation by the police including the CCTV footage and therefore, considering the gravity of the allegations and the strong factor that the minor girl is still untraced, the petitioner does not deserve the concession of regular bail.
7. Consequently, finding no merit in the present petition, the same is hereby dismissed.
8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

22.01.2025
Chetan Thakur

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No