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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2027-2025(O&M)
Date of Decision: 21.01.2025

Maninder Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ankit Joshi, 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 BNSS for grant of regular bail to the petitioner in FIR No. 57 dated 29.07.2024, under Sections 137(2), 96 of BNS, registered at Police Station Bariwala, District Sri Muktsar Sahib.

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the petitioner has been falsely implicated and he is in custody for about 6 months. He submitted that challan in the present case has been presented but no prosecution witness has been examined. He submitted that as per the allegations, the petitioner who is of the age of 23 years had allegedly taken away the daughter of the complainant who was of the age of 14 years but no medical examination of the prosecutrix has been conducted. He submitted that no recovery is to be effected from the petitioner and even otherwise also, the prosecutrix in her statement under Section 164 Cr.P.C did not support the story of the prosecution at all. He

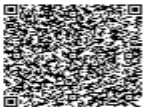


submitted that considering the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. P.S. Bhandari, learned Assistant Advocate General, Punjab has opposed the grant of bail to the petitioner on the ground that the petitioner had enticed away the daughter of the complainant who is the prosecutrix and the age of the prosecutrix was 14 years and thereafter parents of the prosecutrix got her recovered from the petitioner from Amritsar and even otherwise also, if in her statement under Section 164 Cr.P.C, the prosecutrix has not supported the prosecution version, then also the consent if any of the prosecutrix is of no consequence because she was of the age of 14 years only and considering the seriousness of the offence, age of the prosecutrix and the fact that even the prosecutrix has not been examined till date, the petitioner does not deserve the concession of regular bail on the ground of seriousness, gravity and the stage of the trial.

5. I have heard the learned counsels for the parties.

6. The custody of the petitioner comes out to be 6 months and no prosecution witness has been examined till date. As per the allegations, the petitioner had enticed away a 14 years girl and she was allegedly recovered from the custody of petitioner from Amritsar. The prosecutrix has not been examined till date. Considering the fact that the prosecutrix was a minor of the age of 14 years and the fact that she has still not been examined, this Court is of the view that considering the aforesaid facts and circumstances coupled with the gravity and seriousness of the offence, this Court does not deem it fit and proper to grant regular bail to the petitioner.



7. Consequently, the present petition is dismissed.
8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

21.01.2025

(JASGURPREET SINGH PURI)

rakesh

JUDGE

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