

CRM-M-13673 of 2025 (O&M)

2025:PHHC:039282



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

CRM-M-13673 of 2025 (O&M)

Date of decision: 21.03.2025

Rajinder @ Rajinder Singh Sandhu

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Satnam Singh Thakur, Advocate,
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

CRM-11842 of 2025

1. This application has been filed by the applicant-petitioner for impleading the complainant and victim as respondents No.2 and 3 and for placing on record the amended memo of parties.

2. For the reasons mentioned in the application, same is allowed. Complainant and victim are impleaded as respondents No.2 and 3 in the array of parties and amended memo of parties is taken on record.

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1. This petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case FIR No.16 dated 09.02.2025 registered under

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Sections 137(2), 87 of the Bharatiya Nyaya Sanhita, 2023 at Police Station Division No.2, District Jalandhar.

2. Present FIR was registered on the statement of complainant/respondent No.2 – father of victim/respondent No.2 stating therein that he was working in Community Health Centre, Basti Guzan, Jalandhar, and was having two children. He further stated that victim was his daughter whose date of birth is 28.08.2008 and was minor. She was studying at a school near Nehru Garden. On 04.02.2025, he had gone to Gandhi Camp to meet his maternal grandfather and on the same date at 3.00 p.m., victim was enticed away by the petitioner on the pretext of solemnising marriage with her. He further stated that he had been looking for the victim but she could not be traced.

3. Learned counsel for the petitioner has contended that the petitioner is innocent and has been falsely implicated in the present case. He further submits that petitioner and respondent No.3 were in love relationship, therefore, she had gone with the petitioner with her own sweet will and petitioner never enticed her. He further submits that petitioner is not involved in any other case. He further submits that custodial interrogation of the petitioner is not required and he is ready and willing to join the investigation.

4. Per contra, learned State counsel has opposed the prayer for grant of anticipatory bail to the petitioner on the ground that petitioner is accused of enticing a minor girl. Custodial interrogation of

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the petitioner is necessary, therefore, he does not deserve the concession of anticipatory bail.

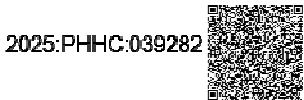
5. I have heard learned counsel for the parties and perused the record.

6. As per law laid down by the Hon'ble Supreme Court in ***State of Madhya Pradesh v. Pradeep Sharma (2014) 2 Supreme Court Cases 171***, power exercisable under Section 438 Cr.P.C. (now Section 482 of the Bharatiya Nagrik Suraksha Sanhita, 2023) is somewhat extraordinary in character and it is to be exercised only in exceptional cases where it appears that the person may be falsely implicated or where there are reasonable grounds for holding that a person accused of an offence is not likely to otherwise misuse his/her liberty.

7. Petitioner is accused of enticing away a minor girl. The allegations against the petitioner are serious in nature. Custodial interrogation of the petitioner may provide information leading to discovery of material facts. Curtailing of his freedom is necessary in order to enable the investigation to proceed without hindrance and to protect witnesses at this stage.

8. Reliance can be placed upon the Hon'ble Supreme Court dictum passed in ***Prem Shankar Prasad v. The State of Bihar and another, 2021(4) RCR (Crl.) 598*** and ***Anil Kumar Singh v. High Court of Judicature at Patna through its Registrar General and another, (2020)19 Supreme Court Cases 364*** whereby the Hon'ble

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Apex Court had denied the concession of anticipatory bail in view of the gravity of offences and the conduct of the petitioner.

- 9. No other point has been argued.
- 10. In view of the facts and circumstances of the case, I am of the considered view that petitioner cannot *prima facie* be said to have been falsely enroped in the crime and his custodial interrogation is necessary in the case and that petitioner may abscond and misuse his liberty and, therefore, does not deserve concession of anticipatory bail.
- 11. In view of the above, the petition is dismissed.
- 12. However, nothing stated hereinabove shall be construed as a final expression of opinion on the merits of the case.

		(NAMIT KUMAR)
		JUDGE
21.03.2025		
R.S.	Whether speaking/reasoned	: Yes/No
	Whether Reportable	: Yes/No