



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-36586-2024 (O&M)

Date of Decision:13.01.2025

Arshdeep Singh @ Arshi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Piyush Setia, Advocate for the petitioner.

Mr. Malkiat Singh, DAG, Punjab.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner in case FIR No.127 dated 26.06.2023 under Sections 363, 366-A, 376 of IPC and Sections 4 and 6 of POCSO Act, registered at Police Station Lambi, District Sri Muktsar Sahib.

2. Status report filed on behalf of respondent-State, is taken on record. A copy of the same has been supplied to counsel opposite.

3. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been in custody for 1 year, 6 months and 8 days. He submitted that it is a case where the allegations are that the petitioner had enticed away the daughter of the complainant, who was 16 and a 1/2 years old at that time specifically on 16.06.2023. On that day, when the complainant and his wife woke up in the morning, they found that their daughter was



missing from the house and despite searching for her, she could not be found. Learned counsel further submitted that the petitioner has been falsely implicated in the present case. He further contended that the prosecutrix had accompanied the petitioner on her own will and had initially stated to the police that it was with her consent that she had gone with the petitioner but later on under pressure from her parents, she gave a contrary statement. Learned counsel, therefore, submitted that in light of aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

4. On the other hand, learned State counsel while referring to the status report submitted that the daughter of the complainant was minor of the age of 16 and a 1/2 years at the time of incident and even till date she is minor. He further submitted that the mere fact that the daughter of the complainant had gone with the petitioner by way of consent is meaningless in view of the fact that there can be no consent of the minor. He submitted that otherwise also the stage of trial is that even the prosecutrix has not been examined till date and has opposed the grant of bail to the petitioner.

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

6. It is a case where the father of the prosecutrix lodged a complaint regarding enticing away of his minor daughter by the petitioner. Admittedly, the prosecutrix is a minor and at the time of the incident she was 16 and a 1/2 years old. The argument raised by learned counsel for the petitioner that the prosecutrix had gone with the petitioner on her own consent, is insignificant in view of the fact that the prosecutrix was minor at the time of incident. Even otherwise, as per learned counsel for the State, the prosecutrix has not been examined till today.



7. Consequently, this Court is of the considered view that considering the stage of trial and in view of the fact that at the time of incident and even today the prosecutrix is a minor, this Court does not deem it fit and proper to grant bail to the petitioner and as such the present petition 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

13.01.2025

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