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

**CRM-M-44286-2024 (O&M)
Date of Decision: 01.04.2025**

Karamjeet Singh alias Karma

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Saurav Bhatia, Advocate
for the petitioner.

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

Mr. K.S. Billing, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

CRM-3487-2025

For the reasons mentioned in the application, the same is allowed and the medical examination report/MLR of prosecutrix as Annexure P-7 is taken on record, subject to all just exceptions.

Main case

1. The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in FIR No.38 dated 03.05.2023 under Sections 363, 366-A, 457, 380, 376, 120-B & 376-D(A) of IPC and Sections 4 & 6 of the POCSO Act, registered at Police Station Khalra, Police District Tarn Taran.

2. Learned counsel for the petitioner has submitted that it is a case where the petitioner has faced incarceration for 1 year 7 months and 6 days

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and the complainant, prosecutrix and the mother of the prosecutrix have already been examined and none of them has supported the prosecution version. He further submitted that a perusal of the FIR would show that the present FIR was registered against the other co-accused, namely, Manpreet Singh and the petitioner was not even named in the FIR and it was later on that his name was nominated on the ground that he helped the aforesaid co-accused, namely, Manpreet Singh in enabling the prosecutrix, who was stated to be 14 years at the time of occurrence, to escape from her house. He also submitted that no direct allegations have been levelled against the petitioner and it was thereafter that his name has been nominated. He further submitted that none of the witnesses has supported the prosecution version and therefore, the petitioner may be considered for grant of regular bail.

3. On the other hand, Mr. P.S. Bhandari, learned AAG, Punjab has submitted that so far as the custody of the petitioner is concerned, the same is correct and the petitioner is in custody for 1 year 7 months and 6 days and it is also correct that earlier the petitioner was not named in the FIR but thereafter on the basis of the statement made by the complainant, his name was nominated on the ground that he helped the co-accused, namely, Manpreet Singh for enabling the prosecutrix to run away from her house. So far as the statement of the complainant, prosecutrix and mother of the prosecutrix is concerned, he submitted that they have not supported the prosecution version at the time of trial and they have been declared as hostile. So far as the antecedents of the petitioner is concerned, he submitted that the petitioner is involved in 14 more cases pertaining to NDPS Act, Section 307 IPC etc. However, no FIR has been lodged against the petitioner on the similar allegations as the allegations which are levelled in the present case.



4. Mr. K.S. Billing, learned counsel for the complainant has submitted that it is correct that the complainant, prosecutrix and the mother of the prosecutrix have not supported the prosecution version while deposing before learned trial Court.

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

6. It is a case where the total incarceration of the petitioner comes out to be 1 year 7 months and 6 days. Although the petitioner is stated to be not having clean antecedents, but considering the fact that the prayer of the petitioner is for grant of regular bail in the facts and circumstances of the present case only. As per the FIR, the main allegations have been levelled against the co-accused, namely, Manpreet Singh against whom the allegations were with regard to enticing away the prosecutrix, who is stated to be a minor girl of the age of 14 years at the time of occurrence. The name of the petitioner was nominated on the basis of the supplementary statement of the complainant during the course of investigation and the allegations against the petitioner were that he had helped the aforesaid co-accused in enticing away the prosecutrix, who is a minor girl. However, it is an admitted case of all the parties that none of the prosecution witnesses including the prosecutrix have supported the prosecution version and they have been declared as hostile. Therefore, considering the aforesaid facts and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

8. However, anything observed hereinabove shall not be treated as

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an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

01.04.2025

(JASGURPREET SINGH PURI)
JUDGE

Bhumika

1. Whether speaking/reasoned

Yes/No
2. Whether reportable:

Yes/No