

2025:PHHC:043483



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

CRM M-46233 of 2024

Date of Decision: 25.03.2025

Jinder Singh @ Harjinder Singh ...Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Ms. Surbhi Yadav, Advocate for
Mr. Gurpal Singh Sandhu, Advocate, for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

Mr. Sukhveer S. Killianwali, Advocate
for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 483 of the BNSS, 2023 with a prayer to grant regular bail to him in case FIR No.0038 dated 21.02.2022 registered under Section 377 of IPC and Sections 5 and 6 of the Protection of Children from Sexual Offences Act, 2012, 2019 (Section 4 of the Protection of Children from Sexual Offence Act, 2012, 2019 added later on) at Police Station Lambi, District Sri Muktsar Sahib (Annexure P-1).

2. The FIR in the present case was registered on the basis of statement made by Amolak Singh son of Suba Singh and the same has been reproduced below:-

“Statement of Amolak Singh son of Suba Singh son of Avtar Singh resident of Village Vanwala Anuka, aged about 32 years, Phone No.97802-25863, stated that I am resident of above said address and doing agriculture work. I have 10/12 acres of land, for the cultivation of which I have hired Harjinder Singh son of Gurmel Singh son of Bhagwan Singh resident of Vanwala Anuka on daily wage for one year as labourer, who has been coming for work from 7 months. Today dated 21.02.2022, I alongwith my father Suba Singh on our tractor went to Mandi Dabwali for some personal work. My mother Amarjit Kaur, my wife Sandeep Kaur and my son Ekamjot Singh aged about 5 years in my family. Today at about 03:30 PM when we returned to house, I stopped the tractor and I went for urination in rear cattle shed, then I heard that my son was screaming. Lower of my son was undressed and Harjinder Singh above had undressed his pant and was forcefully having sex with my son Ekamjot Singh. On seeing me and my father Suba Singh, Harjinder Singh panicked and fled through the back gate. I took care of my son Ekamjot Singh and my father Suba Singh gave him water. My son kept crying for 5/6 minutes and whimpering, then he told that Harjinder Singh took out his private part (tooti) and

removed my pant and put it in the place of my private part (Ass). I kept crying, shouting. Then I shouted loudly in anger, hearing my noise, my uncle's son Nirlep Singh son of Ajit Singh also came from the nearby field. On seeing the condition of child, I, my uncle's son and my father admitted my son in CH Lambi after arranging the vehicle, where his treatment is going on. Legal action be taken against Harjinder Singh son of Gurmel Singh resident of Vanwala Anuka. Sd/- Anmolak Singh).”

2. Learned counsel for the petitioner contends that the petitioner was working in the fields of the complainant since 15.07.2021. When the petitioner demanded money for the work done by him the fields of the complainant, the petitioner was falsely involved in the present case. In fact, on 21.02.2022, when the petitioner had allegedly committed sexual assault on the victim, the family members of the victim were at home and the allegations are highly improbable and unbelievable. He further contends that the petitioner was arrested in the present case on 22.02.2022 and the trial has not progressed much. Thus, keeping in view the long period of incarceration, the petitioner deserves to be enlarged on bail.

3. On the other hand, the respondent-State has filed a detailed status report by way of an affidavit of the Deputy Superintendent of Police, Sub-Division, Lambi and the same was also

taken on record. As per the said report, the facts had been verified by the police during the course of investigation and the allegations were found to be correct. As per the record received from the Registrar, Birth and Death, Lambi, the date of birth of the victim was 30.08.2016 and at the time of occurrence, i.e., 21.02.2022, the victim was aged about 05 years. Even, the medical examination of the victim was conducted by the doctors of Community Health Centre, Lambi and the samples of the semen on anus, clothes worn by the minor victim were sent to FSL, Mohali. As per the DNA report (Annexure R-4), received from FSL Mohali, the human semen and male DNA present on the shirt and pyjama of the victim belonged to the accused/petitioner. Thus, the scientific evidence in the present case conclusively proved the involvement of the petitioner in the crime. Learned State counsel also referred to the statement of victim (Annexure R-5/T), which was recorded by the Court under Section 164 Cr.P.C. and the victim had clearly named the petitioner as the accused in the present case. Learned State counsel further submits that the present petitioner had committed carnal intercourse with the victim, who was aged about 05 years, forcibly and the medical evidence as well as FSL report supported the case of the prosecution. He further contends that now the case is listed for prosecution witnesses and the trial is at an advanced stage. Thus, keeping in view the gravity of the allegations, the petitioner is not entitled to be released on regular bail.

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

5. At this stage, no doubt, the petitioner is stated to be in judicial custody since 22.02.2022 but the allegations levelled against the present petitioner are quite serious. The prosecution has been successful in collecting sufficient and credible evidence to show that the petitioner had forcibly committed carnal intercourse with a victim, who was aged about 05 years only. Thus, keeping in view the heinous nature of the crime committed by the petitioner, this Court is not inclined to grant the concession of regular bail to the petitioner. Moreover, the petitioner had earlier filed a petition for grant of regular bail and after arguing for some time, the petitioner had withdrawn the earlier petition. Now, there is no change of circumstances and this Court is not inclined to interfere at this stage. Accordingly, the petition is ordered to be dismissed.

6. Needless to observe that the above observations have been made only for the limited purpose of disposal of the bail application and the same shall not be construed as an expression of opinion on the merits of the case.

25.03.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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