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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-53483-2024 (O&M)**

Date of Decision:- 22.05.2025

Sawar @ Sawan

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTIPresent:- Mr. Vikas Gupta, Advocate
for the petitioner.

Mr. Sukhwinder Singh Rai, DAG, Punjab.

Mr. Vivek Singla, Advocate
for the complainant.

AMARJOT BHATTI, J.(Oral)

1. Petitioner – Sawar @ Sawan has filed petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No. 27 dated 20.02.2024 under Section 363, 366, 120-B of IPC (offence under Section 376, 376-D of IPC and Section 6 of POCSO Act added later on) registered at Police Station Gate B-Division, District Amritsar (Annexure P-1).

2. Facts of the case are complainant gave her statement that she had brought up her grand-daughter i.e. victim 'S'. She was born on 07.09.2007 and since her childhood she was residing with her. On 18.02.2024, she had gone to market for her personal work. Her grand-daughter 'S' was alone in house and when she returned home she found that she was not present in



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the house. She came to know from people living in locality that Sahil @ Noni and his friend Jasbir Singh @ Jajju enticed her away on the pretext of marriage. With these allegations, present FIR was registered.

During the course of investigation, Sahil @ Noni was arrested on 22.02.2024 and victim was recovered from his possession. She was medically examined at Civil Hospital, Amritsar. She was also produced before Judicial Magistrate Ist Class, Amritsar and her statement was recorded under Section 164 Cr.P.C. She named Jasbir Singh @ Jajju, Sahil @ Noni, Kaka and Sawar @ Sawan as accused. She alleged that she was sexually exploited in a hotel by Sahil @ Noni. Offences under Section 376, 34 of IPC and Section 6 of POCSO Act were added.

3. Learned counsel for petitioner argued that he is falsely implicated in this case. No allegations of rape are attributed against him. Misunderstanding has been cleared and complainant has already given affidavit in his favour which is Annexure P-2. At present, statement of prosecutrix is also recorded as PW-1 and she has not levelled any allegation against him. It is submitted that petitioner is behind the bars since 22.02.2024. He is ready to abide by terms of bail order. Therefore, his regular bail petition may be allowed.

4. Regular bail petition is opposed by learned counsel representing State. It is submitted that after completion of investigation, initially challan was presented in Court against Sahil @ Noni on 23.04.2024. After the arrest of present petitioner, his supplementary challan was also presented on 26.10.2024. At the time of alleged occurrence, victim was minor. Considering the gravity of offence, petitioner is not entitled to be released

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on regular bail.

5. I have considered the arguments and have gone through the record carefully. Present petitioner was arrested and joined in the investigation. It is rightly pointed by learned counsel for petitioner that even in statement of victim recorded under Section 164 Cr.P.C., allegations of rape were not against present petitioner. Statement of alleged victim has been recorded as PW-1 where she has not supported prosecution case and was declared hostile. Trial in this case may take long time. Entire evidence recorded by prosecution will be considered by trial Court at relevant time. Petitioner cannot be kept behind the bars for indefinite time period. Therefore, without expressing my mind on merits, regular bail petition filed by petitioner Sawar alias Sawan is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

22.05.2025*lalit***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No