

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****208****CRM-M-58120-2024 (O&M)****Date of Decision : 27.01.2025**

Manpreet Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Gagandeep Singh, Advocate
Legal Aid Counsel for the petitioner.

Mr. Pawan Kumar, DAG Punjab.

ALKA SARIN, J. (Oral)

1. This is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in FIR No.227 dated 10.10.2019 under Sections 376-D, 458, 120-B of the Indian Penal Code, 1860 Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 61 of the Information Technology Act, 2000, registered at Police Station Lambi, District Sri Muktsar Sahib.

2. The brief facts relevant to the present case are that the FIR was registered on the statement of the prosecutrix herself, who was 13 years of age. It was stated in the FIR that her parents were doing the work of labour and about 20 days ago her parents had gone to her maternal grandparents' house in village Tarmala. Her maternal grandparents had gone to Rajasthan for picking the cotton crop and her parents went to District Hisar on

05.10.2019 to pay obeisance at Mata Kalani. Her two maternal uncles and one Massi (mother's sister) were left in the house. Pappu, whom the complainant's mother considered as a brother, and his daughter, namely, Urmali (co-accused) aged about 25 years were also left in the house. Urmali is stated to have called the accused persons, namely, the petitioner herein and co-accused Kalli, who came to the house at 01.00 am and raped the complainant. They are also stated to have clicked obscene photographs of the complainant on their mobile phones and threatened her that if she disclosed to any person they would make the photographs viral on the social media. The complainant narrated the incident to her parents, who returned on 09.10.2019. She was thereafter got admitted in Civil Hospital where she was medically examined by the doctor. The date of birth of the victim was given as 01.08.2004. The victim supported the case in her statement recorded under Section 164 CrPC before the Magistrate. The petitioner was arrested on 19.10.2019 and was released on interim bail. Thereafter, the petitioner failed to appear before the Trial Court and was declared as a proclaimed offender on 17.02.2024. Subsequently, he was re-arrested on 02.04.2024. The charges in the present case were framed on 07.09.2021. The victim in the present case is yet to be examined.

3. Learned counsel for the petitioner would contend that the petitioner has been in custody for a period of 01 year 11 months and 27 days and that there is a delay of 05 days in registration of the FIR.

4. *Per contra* learned State counsel would contend that the delay in recording the statement of the prosecutrix was due to the fact that the

petitioner failed to appear before the Court and was later declared a proclaimed offender vide order dated 17.02.2024. He was arrested only on 02.04.2024 and thereafter charges were framed. Learned State counsel has further contended that there are serious allegations against the petitioner as well as the co-accused and that the prosecutrix in the present case was 13 years of age.

5. Heard.

6. In the present case, on the complaint of the minor child, who was 13 years of age, the FIR was registered levelling allegations against the co-accused and the petitioner herein of rape as well as taking obscene photographs and threatening the complainant not to disclose the incident to anyone or they would make the photographs viral. The petitioner in the present case was arrested on 17.10.2019. Thereafter, he approached this Court by filing CRM-M-38054-2020 seeking regular bail. Vide order dated 26.11.2020 a Co-ordinate Bench of this Court granted interim bail to the petitioner. Subsequently, on 06.09.2023, this Court was informed that the petitioner was not attending the Court proceedings and non-bailable warrants were issued against him. Learned counsel for the petitioner therein stated that on the basis of the statement made by learned State counsel the petition may be disposed off. The petition was dismissed on 06.09.2023 on the ground that the petitioner had jumped the concession of interim bail granted to him vide order dated 26.11.2020. Subsequently, the petitioner was declared a proclaimed offender vide order dated 17.02.2024. He was re-arrested on 02.04.2024. The prosecutrix in the present case is yet to be

examined. The delay as explained by learned State counsel has been occasioned due to the absence of the petitioner herein himself and him being declared a proclaimed offender and thereafter being re-arrested on 02.04.2024. The allegations in the present case are of serious nature. The minor child, who had got her statement recorded under Section 164 CrPC before the Magistrate, has fully supported the case.

7. In view of the above, this Court does not find this to be a fit case to grant concession of regular bail to the petitioner. Accordingly, the present petition is dismissed. Pending applications, if any, also stand disposed off.

27.01.2025
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO