



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-59901-2024 (O&M)

Date of Decision:07.01.2025

Neeraj Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Pallavi Babbar, Advocate for the petitioner.

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

JASGURPREET SINGH PURI J.(Oral)

CRM-49045-2024

Learned counsel for the applicant-petitioner prays for withdrawal of the present application.

Dismissed as withdrawn.

Main case

1. The present petition has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.160 dated 14.07.2024 under Sections 363, 366, 376DA of IPC and Section 6 of POCSO Act, registered at District SAS Nagar, Mohali.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been in custody for 05 months and 16 days and the petitioner has not been named in the FIR. She submitted that the allegations against the petitioner were on the basis of the statement made by one lady that



she had five children from her wedlock and out of which four are girls and one is boy and the complainant had a matrimonial dispute with her husband as well. The youngest girl is of 15 years of age and the boy is younger than the girls. After the dispute with her husband, she took three children with her including the son to another place. Two girls including the prosecutrix were staying with neighbour where she was earlier residing, who is also one of the co-accused. Thereafter the younger girl of the age of 15 years had reported to complainant that she alongwith other girl **was** taken to hotel in Zirakpur where she was kept for three days and two persons had forced physical relations with her and also kept threatening her. She submitted that so far as present petitioner is concerned, he is the owner of the hotel and was not involved in the incident that had happened and had rather taken the identity card of the prosecutrix as well and therefore it cannot be said that the petitioner has also participated in the offence if at all. Learned counsel submitted that considering the aforesaid custody of the petitioner, he may be considered for the grant **of regular bail**.

3. On the other hand, learned State counsel submitted that, so far as the custody of the petitioner is concerned, the same is correct. The challan in the present case has already been presented, but charges have not been framed till date. It is a case where there are serious allegations against the petitioner, and the prosecutrix, while giving a statement under Section 164 Cr.P.C. before the learned Magistrate, has attributed the offence of forced physical relations to the petitioner as well and in this way the petitioner was nominated in the present FIR thereafter. He submitted that there is direct evidence against the petitioner and considering the aforesaid facts and circumstances and



sensitivity of the case, the petitioner does not deserve the concession of regular bail and there is reasonable apprehension that, if the petitioner is released on bail, he may not only abscond or flee from justice but may also influence the witnesses since none of the witnesses have been examined .

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

6. It is a case where the petitioner is although in custody for 05 months and 16 days but considering the seriousness and gravity of the offence, this Court is of the considered view that the petitioner does not deserve the concession of regular bail. The plea taken by learned counsel for the petitioner that the petitioner was not named in the FIR cannot become a ground for grant of bail to the petitioner in view of the submissions made by learned State counsel that in the statement under Section 164 Cr.P.C., the petitioner was named and direct attribution has been made against the petitioner in this regard since the petitioner was the owner of the hotel.

7. Considering the aforesaid facts and circumstances, and without commenting on the merits of the case, this Court does not deem it fit and proper to grant bail to the petitioner. 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

07.01.2025

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