



CRM-M-37406-2025

1

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

(204)

CRM-M-37406-2025
Date of Decision:-16.01.2026

Aman Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. G.S. Dhot, Advocate
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

Ms. Himani Kapila, Advocate
for the complainant.

ALOK JAIN, J. (Oral)

1. The present petition has been filed, *inter alia*, seeking grant of regular bail to the petitioner in case FIR No. 0171 dated 25.07.2024, registered under Sections 137(2) and 96 of the Bharatiya Nyaya Sanhita, 2023 (Sections 64, 87, 137, 142 and 351 of BNS, 2023 and Section 6 of the POCSO Act, 2012 added later on), at Police Station Samarala, District Khanna (Annexure P-1).

2. Learned counsel for the petitioner submits that the present case is nothing but an instance of adolescent love, wherein the petitioner is a young boy aged about 20 years and the victim is a young girl aged about 16/17 years. Learned counsel further submits that, admittedly, the petitioner and the victim had earlier eloped on three occasions, prior to the lodging of the present FIR, which clearly reflects a consensual relationship existed



CRM-M-37406-2025

2

between them. It is further contended that all the material witnesses have already been examined. Learned counsel also submits that the medical evidence does not support the case of the prosecution and as per the Medico-Legal Report (MLR), there were no injuries on the body of the victim.

3. Status report by way of an affidavit of Tarlochan Singh, PPS, Deputy Superintendent of Police, Samrala, District Ludhiana has been filed by learned State counsel on behalf of respondent-State in Court today, which is taken on record, subject to all just exceptions. Copy thereof has been handed over to the counsel for the petitioner.

4. Learned State counsel has also filed the custody certificate of the petitioner in Court today, which is taken on record, subject to all just exceptions. As per the custody certificate, the petitioner has been in custody for the last 01 year, 03 months and 22 days as on 15.01.2026.

5. Learned State counsel, assisted by learned counsel for the complainant, submits that the victim is minor and that the petitioner had enticed her away and compelled her to establish physical relations with him. It is further submitted that as per law, the consent of a minor is irrelevant in such cases. However, learned State counsel could not deny the fact that, admittedly, the victim had earlier eloped with the present petitioner on three occasions and, all the material prosecution witnesses have also duly examined.

6. Heard learned counsel for the parties at length.

7. In view of the above and considering the fact that the petitioner has clean antecedents and is a young boy of 20 years, coupled with the fact that all the material witnesses have been examined and the



petitioner has been in custody for the last 01 year, 03 months and 22 days, moreover, the trial is likely to take considerable time, therefore, no useful purpose would be served by keeping the petitioner in custody. Accordingly, the petitioner is held entitled to the concession of regular bail.

8. Without commenting upon the merits of the case, the present petition stands allowed and the petitioner is ordered to be released on bail if not required in any other case on furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. The petitioner shall, however, be released on the following conditions:

- i The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii The petitioner will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- iii The petitioner will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- iv The petitioner will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also. However, in case the petitioner does not possess a passport, then he shall file an undertaking to the said effect before being released.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 483 of BNSS, 2023.



CRM-M-37406-2025

4

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and this order shall not be considered as parity *qua* any other co-accused in any manner whatsoever.

10. It is further made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.

(ALOK JAIN)
JUDGE

January 16, 2026

parul

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No