



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

(104)

**CRM-M-66928-2025
Date of Decision: 18.05.2026**

SONU @ SONA

.....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Umesh Kumar Kanwar, Advocate
for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. This is the 4th petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of anticipatory bail in case FIR No.203 dated 15.11.2024 under Sections 137(2), 96, 61(2), 64 of BNS (corresponding Sections 363, 366-A, 120-B, 376(1)(2) of IPC) and Sections 3, 4 & 6 of POCSO Act, registered at Police Station Sultanpur Lodhi, District Kapurthala. The earlier three petitions were dismissed as withdrawn on 25.03.2025, 08.10.2025 and 31.10.2025.

2. The contents of FIR are reproduced hereinafter.

“Statement of Resham Lal son of Buta Ram resident of Rural Basti Sultanpur, Police Station Sultanpur Lodhi, aged around 42 years, Mobile Number 628076xxxx. Stated that I am resident of above mentioned address and I am doing labour work. I have four kids, elder daughter xxxx, younger than her is son Ashu and youngest is xxxx whose age is around 17 years 09 months, that on dated 03.11.2024 time at around 02.00 hrs in the morning Sona son of Sital Resident of Bebe Nanki Colony Sultanpur Lodhi and Ajay son of Rajpal and Ajay son of Rajpal resident of Jastarwal Tehsil Ajnala District Amritsar while decoying to solemnize marriage with my daughter xxxx took her upon their Motorcycle was seized by my son Laddi with his own eyes. Who informed the



family in hurry in the meanwhile they disappeared, who have been eloped upon the encouragement of Subhash Chander Resident of Mohalla Prempur, till date we were searching our daughter xxxx but she has not been found, we have firm belief that my daughter xxxx has been taken away in consultation by cajoling and decoying her to solemnize marriage. Legal action may be initiated against them as per law. My daughter xxxx may be searched and may be get back to us and justice may be served. Today in this regard we were coming to inform you, you met us, action may be initiated. I am the claimant. Sd/-Resham Lal deponent Resham Lal above named Sd/ Laddi endorsed the statement. Attested Sd/- Baldev Singh ASI Police Station Sultanpur Lodhi dated 05.1.2024.”

3. Learned counsel for the petitioner submits that the petitioner, aged 22 years, has been falsely implicated in the present FIR lodged at the instance of the father of the prosecutrix, alleging that the petitioner, along with co-accused Ajay, enticed away the prosecutrix on the false promise of marriage. It is submitted that the petitioner and the prosecutrix were well acquainted and intended to solemnize marriage, which fact was within the knowledge of the complainant and his family members. It is further submitted that the prosecutrix voluntarily left her parental home on 02.11.2024 and joined the company of the petitioner of her own free will. Learned counsel contends that other than the sweeping allegation leveled against the petitioner, there is no material on record to substantiate the allegations leveled against the petitioner.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner and submit that there are specific and serious allegations against the petitioner. She states that the petitioner was actively involved in the commission of the alleged offences, including kidnapping and sexual assault of the minor daughter of the complainant. Learned State counsel contends that in view of the seriousness of the allegations, the petitioner does not deserve to be granted the concession of anticipatory bail by this Court.

5. Heard the rival submissions made by learned counsel for the



parties.

6. The POCSO Act, 2012 is a special legislation enacted with a clear and stringent legislative intent to protect children from sexual exploitation and abuse, and to ensure a robust deterrent framework.

7. In the present case, charges have been framed in relation to offence under Section 4/6 of the POCSO Act, an offence which strikes at the very core of bodily integrity and dignity of a child. The same attracts the provisions of Section 29 of the said Act, the bare language of which speaks about the adverse presumption to be drawn against a person prosecuted for committing or abetting or attempting to commit any offence under sections 3, 5, 7 and section 9 of the Act unless the contrary is proved, thereby raising the threshold of satisfaction required.

8. Reverting to the case in hand, *prima facie*, grave and serious allegations enticement of the prosecutrix and thereafter commission of penetrative sexual assault upon her have been leveled against the petitioner. Argument of previous acquaintance, as raised by learned counsel for the petitioner, remains unsubstantiated. Be that as it may, the same cannot even be a point for consideration, given that the prosecutrix was a minor at the time of the alleged occurrence. Moreover, it has come on record in the order dated 07.11.2024 passed in CRWP-10738 of 2024, that the petitioner is a married man. Therefore, the presumption that he misused his position to exert undue influence on the prosecutrix cannot be ruled out. Moreover, the prosecutrix has leveled grave and specific allegations regarding the commission of heinous offences against her by the petitioner, in her statement recorded under Section 183 BNSS, under such circumstances and



given the nascent stage of the investigation, this Court is not inclined to grant the anticipatory bail to the petitioner.

- 9. Accordingly, the instant petition stands dismissed.
- 10. Needless to say that nothing observed hereinabove shall be construed as an expression on the merits of the case.
- 11. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

May 18, 2026
Ritika

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