



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

CRM-M-7837-2025 (O&M)

Date of Decision:-17.02.2025

Jagdeep Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Rajesh Kumar Girdhar, Advocate for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

JASGURPREET SINGH PURI J.(Oral)

1. The present is a second petition filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.0065 dated 19.06.2024 under Sections 363/366-A of IPC registered at Police Station Gidderbaha, District Sri Muktsar Sahib.

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the petitioner has been in custody for 7 ½ months. Earlier, he had filed a bail petition, which was dismissed as withdrawn on 09.01.2025 in CRM-M-40874-2024. Now, since the trial is not progressing at a good pace and prosecution witnesses are not appearing despiteailable warrants being issued against them, the petitioner may be considered for the grant of regular bail.

3. On the other hand, learned State counsel submitted that, insofar as the custody of the petitioner is concerned, it is correct. He submitted that this is a case where the present petition is not maintainable, in view of the fact that on 09.01.2025, the petitioner had withdrawn his earlier bail petition and



just less than a month later, he filed the present petition on 05.02.2025. He submitted that after withdrawal of the earlier bail petition, fresh bail petition, although is maintainable, can only be filed after a reasonable period, but not after 25 days of withdrawal of the earlier bail application. On merits, he also submitted that the allegations against the petitioner are very serious, as the petitioner had enticed away the minor daughter of the complainant, who was 14 years old, and had taken her to Amritsar. After a few days, the 14-year-old girl returned and although she had stated in her statement under Section 164 of the Cr.P.C. before the learned Trial Court that she had gone with the petitioner of her own consent, her consent itself is not relevant because there can be no consent of a minor. He further submitted that it is not a case where the age of the prosecutrix was at the border of majority or even more than 16 years but she was of the tender age of 14 years, which is less than 16 years and therefore her consent would have no significance. He also submitted that although the prosecution witnesses have been summoned twice after the petitioner withdrew the earlier bail petition, the next date fixed before the learned Trial Court is 07.03.2025 for the examination of the prosecution witnesses, and till date, no prosecution witness has been examined. He submitted that there is an apprehension that, in case the petitioner is released on bail, he may not only flee from justice but may also influence the witnesses, as the prosecutrix is a material witness who is yet to be examined. Therefore, he has ultimately opposed the grant of bail to the petitioner.

4. I have heard the learned counsels for the parties.

5. It is a case where the custody of the petitioner has come out to be about 7 ½ months. As per the learned counsels for the parties, none of the



prosecution witnesses have been examined till date. The age of the prosecutrix is stated to be 14 years at the time of incident and the allegation against the petitioner is that he enticed her away and took her to Amritsar. The petitioner had earlier filed a bail petition before this Court, which was dismissed as withdrawn on 09.01.2025. However, after about 25 days, he filed the present successive bail petition .

6. After hearing the learned counsels for the parties, this Court is of the considered view that, considering the fact that the petitioner filed the present successive bail petition just 25 days after the previous one and the fact that not even a single prosecution witness has been examined and according to the learned State counsel, there is an apprehension that, in case the petitioner is released on bail, he may not only abscond from justice but may also influence the witnesses, especially the prosecutrix, who was 14 years old at the time of incident and is now about 15 years old, this Court is of the considered view that the petitioner does not deserve the concession of regular bail.

7. Finding no merit in the present petition, the same 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

17.02.2025

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