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

**CRM-M-55675-2024 (O&M)  
Date of Decision : 07-05-2025**

Irfan

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Ms. Priyanka Kansal, Advocate  
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

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**ANOOP CHITKARA, J. (Oral)**

<b>FIR No.</b>	<b>Dated</b>	<b>Police Station</b>	<b>Sections</b>
107	23.8.2022	E Division, Amritsar	363-A and 364 IPC

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. In paragraph 17 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are taken from the translated copy of the FIR attached to the bail petition, which reads as follows:

“4. That it is submitted that as per the report furnished by SHO, P.S. 'E' Division, Amritsar, the aforesaid FIR No. 107 dated 23.08.2022 (supra) came to be registered based upon the statement of the complainant Baljit Kaur alleging therein that on 22.08.2022 her brother Jagtar Singh had called her at Bebe Nanki Child and Mother Care Centre, Guru Nanak Dev Hospital, Amritsar for check up of his wife Anju Kaur. She along with her son Jashandeep Singh had gone there. The hospital authorities checked up Anju Kaur and had asked them to go back home at about 10 PM but to odd hours they could not go back to the village and she along with his sister-in-law and son Jashandeep Singh had come to the Golden Temple, Amritsar for passing the night and had slept in the plaza outside the Golden Temple. She woke up at about 3AM suddenly and found that her son Jashandeep Singh was not there. She shouted then people told her that one person having migrant labour description had picked up her son sometime ago. Therefore, upon her shouting, the duty official and servicemen of the Golden

Temple also came there. They checked the CCTV cameras of the Golden Temple, wherein they saw that one haircut person was taking away her son by kidnapping him. She along with duty officials and servicemen of the Golden Temple searched her son then after sometime they found that one haircut person was taking away one child along with him by kidnapping him forcibly and the child was crying. That person was apprehended by her brother and servicemen and her son was crying with that person and the kidnapper was blocking his mouth for stopping him from crying. He was apprehended and he disclosed his identity as Irfan (present petitioner), who was kidnapping her child Jashandeep Singh from her. The petitioner Irfan was produced before Gurbinder Singh ASI PP Galiara, Police Station E-Division, Amritsar....”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.
5. The State's counsel opposes bail and refers to the reply.
6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“6. That during investigation, the accused-present petitioner Irfan, who was produced before the investigating officer by the complainant and her accomplices, disclosed that he has left his house a long ago and no permanent abode. He is a bagger and was bagging outside the Golden Temple, Amritsar but public was not giving him anything; hence, he pondered about kidnapping some child in order to keep the child with him by making him handicapped for bagging. Therefore, he had kidnapped the child of the complainant for this purpose and was waiting for setting down morning and had planned that he would take the child to Delhi by train, make him handicapped and would make him bagging and if the child would deny from bagging then he would kill him. He was roaming with the child then he started crying; hence he was apprehended by public. Therefore, the present petitioner Irfan was arrested in the present case FIR No. 107 dated 23.08.2022 in accordance with law by the Investigating Officer.”

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#### ROLE OF THE PETITIONER

12. That it is submitted that the present petitioner Irfan is the sole accused in this FIR No.107 dated 23.08.2022 (supra) as he had kidnapped the victim child Jashandeep Singh for the purpose of begging or killing him if he refused to begging.”

#### REASONING:

7. There are specific allegations against the petitioner that he kidnapped the son of the complainant for the purpose of begging by making him handicap and in case child refuses his command, he would kill him.
8. A perusal of the bail petition, the reply filed and the documents attached *prima facie* points towards the petitioner's involvement and does not make out a case for bail.

The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this Court refrains from doing so.

9. The petitioner's custody of around 2 years and 8 months cannot be termed prolonged, given the allegations levelled against the petitioner that he kidnapped the child of 6 years old, who was not even able to speak properly or defend himself for the purpose of begging by making him handicap.

10. Accordingly, no ground is made out for grant of bail to the petitioner and the present petition is dismissed. However, the trial Court is directed to expedite the trial. All pending applications, if any, are disposed of.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

07-05-2025  
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**(ANOOP CHITKARA)**  
**JUDGE**

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