



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

**CRM-M-64025-2024 (O&M)  
Date of Decision:-25.02.2025**

Rohit Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present:- Mr. Varun Goyal, Advocate for the petitioner.

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

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**JASGURPREET SINGH PURI J.(Oral)**

1. The present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.99 dated 03.12.2022 under Sections 363, 366, 366-A, 376-C of IPC and Sections 4 and 6 of POCSO Act, 2012, registered at Police Station Lambra, District Jalandhar.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been in custody for 1 year, 7 months, and 14 days. He submitted that the allegations against the petitioner are that he had enticed away complainant's minor daughter on the pretext of marriage, who was 14 years old at the time of the incident and thereafter had established physical relations with her and clicked some photographs of her in this regard. He submitted that thereafter, at the time of deposition, the prosecutrix and her father did not support the prosecution's version, therefore, considering the



aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail

3. On the other hand, learned State counsel has opposed the grant of bail to the petitioner on the grounds that the trial is at its fag end and out of 15 cited prosecution witnesses, 11 witnesses have already been examined. With regard to the fact that prosecution witnesses have not supported the prosecution story, he submitted that although the prosecutrix had stated in her cross-examination that the earlier statement she gave was at the instance of the police and that she did not support the prosecution's version but the prosecutrix was a minor, being 14 years old at the time of occurrence. So far as the father of the prosecutrix is concerned, he specifically supported the prosecution's version in his examination-in-chief but during cross-examination, he stated that he does not identify the present petitioner, who was present in the court. Learned State counsel further submitted that, so far as the reference to the witnesses who have turned hostile is concerned, the law is well settled. At the time of appreciating evidence, learned Trial Court must segregate the statement of a witness who has turned hostile for the purpose of interpreting the statements and merely stating that the prosecutrix has not supported the prosecution and has turned hostile does not mean that, on this ground alone, the petitioner will earn acquittal. He submitted that charges against the petitioner are serious and grave in nature, as per the allegations he had enticed away a minor girl of 14 years of age and thereafter as per allegations he had established physical relations with her and some photographs were also clicked in this regard. He also submitted that considering the seriousness of the allegations against the petitioner, there is



every likelihood that, if he is released on bail, he may abscond from justice and ultimately learned State counsel 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 01 year 07 months and 14 days. As per learned counsels for the parties, out of 15 cited prosecution witnesses, 11 witnesses have already been examined.

6. A perusal of the FIR which has been attached with the present petition would show that allegations were made by the father of the prosecutrix that his minor daughter, aged 14 years, was missing and he could not trace her whereabouts. The petitioner has been specifically named in the FIR, and a specific role has been attributed to the petitioner, stating that he had been visiting the house of the complainant for 2 to 3 months and had taken away his minor daughter on the pretext of marriage. So far as the prosecutrix turning hostile before the learned Trial Court is concerned, considering the seriousness and gravity of the allegations against the petitioner, especially when the prosecutrix was 14 years old at the time of the incident, her turning hostile itself cannot become a ground for grant of bail to the petitioner. Not only this, it is also so stated by learned counsels for the parties that as per the allegations, the petitioner had established physical relations with the minor girl of the age of 14 years. The apprehension expressed by learned State counsel that, in case the petitioner is released on bail, there is a likelihood that he may abscond from justice, carries weight and cannot be ignored. Apart from the above, even otherwise, the trial is at its fag end, as per learned State counsel, with 11 out of 15 cited prosecution witnesses already examined. Therefore, considering the seriousness and



gravity of the offence, this Court does not deem it fit and proper to grant bail to the petitioner

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**

**25.02.2025**

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