

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.25236 of 2015
and
Criminal Misc. No.M-15963 of 2015

.....

Date of decision:12.8.2015

Paramjit Singh and another

...Petitioners

v.

State of Punjab and another

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Karanjit Singh, Advocate for the petitioners.

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Inderjit Singh, J.

Cr. Misc. No.25236 of 2015:

For the averments made in the criminal miscellaneous application, true translated copy of statement dated 19.7.2014 of Daljit Kaur as Annexure-P.4 is taken on record and exemption from filing certified copy of the same is granted.

The criminal miscellaneous application stands disposed of.

Cr. Misc. No.M-15963 of 2015:

The petitioners have filed this petition under Section 438 Cr.P.C. for grant of pre-arrest bail in case FIR No.161 dated 17.7.2014 registered for the offences under Sections 363, 366, 376, 342, 506 and 120-B IPC and Section 4 of Protection of Children from Sexual Abuse Act, 2012

at Police Station Division Sadar Tarn Taran, District Tam Taran in view of compromise dated 4.12.2014 (Annexure-P.2).

I have heard learned counsel for the petitioners and have gone through the record.

From the record, I find that as per the prosecution version, the FIR has been got registered by Gurdev Singh father of the prosecutrix. The age of the prosecutrix is about 16 years. In the complaint, name of Paramjit Singh-petitioner No.1 has been mentioned. It is also stated that main accused Shubhamdeep Singh alias Shubhdeep Singh son of the present petitioners and one Gurmeet Singh kidnapped the prosecutrix with an intent to marry her forcibly. It is also in the FIR that the complainant had a small quarrel with Paramjit Singh and he said that they will kidnap his daughter. The statement got recorded by the prosecutrix has also been placed on record. She also named Paramjit Singh and Gurmeet Singh in her statement and also the threat given by them etc.

Learned counsel for the petitioner mainly relied on some compromise which is Annexure-P.2 for grant of anticipatory bail. The offence under Sections 376 IPC etc. are non-compoundable. No benefit can be given on the basis of this compromise. Rather, this compromise Annexure-P.2 shows that the present petitioners are tampering with the evidence and trying to influence the prosecutrix and other witnesses.

Keeping in view the nature and gravity of offences and the part played by the petitioners and their name in the FIR, I do not find it a fit case where the present petitioners are entitled to the benefit of anticipatory bail.

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Therefore, finding no merit in this petition, the same is dismissed.

August 12, 2015.

(Inderjit Singh)
Judge

hsp