

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-24009 of 2015

Date of decision:31.07.2015

Raj Kumar and another

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. R.S. Sekhon, Advocate for the petitioners.

Mr. K.S. Pannu, DAG, Punjab.

Navita Singh, J. (Oral)

This petition has been moved by Raj Kumar and Raj Kaur under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No.258 dated 20.11.2013 registered under Sections 363/366/120-B IPC and Sections 3 and 4 of Protection of Children from Sexual Offence Act, 2012 (added later on) at Police Station City Abohar District Fazilka.

It is observed in the order dated 28.5.2015, granting bail to co-accused Sunny that the main allegations were levelled by the prosecutrix against Deepak which was also seen from the statement made by her in Court.

According to the FIR, the present petitioner- Raj Kaur and her husband Sunny had lured the daughter of the complainant to perform marriage with Deepak and sent her to Tarn Taran, i.e. to the house of parents of Deepak. The complainant had requested Raj Kumar, i.e. Deepak's father that he should send Arshdeep back with him but he started quarelling with him.

Since co-accused Sunny has got bail and the allegations against the petitioner – Raj Kaur were identical, there is no reason to decline similar relief to Raj Kaur.

Counsel for the applicant- appellant has, however, pointed out that regarding Raj Kumar, it is submitted that he is Deepak's father and it has come now in the cross-examination of the prosecutrix that her father had taken her with him. As already observed, main allegations were against Deepak who is stated to have got bail from the trial Court, Counsel for State submits that Deepak was a juvenile. However, petitioner Raj Kumar is in custody since 22.11.2013 and there appears to be no reason for declining bail to him as well.

In view of the above, the petition is allowed. Bail to the satisfaction of the trial Court.

31.07.2015
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(NAVITA SINGH)
JUDGE