

Paramjit Kaur and Another

..... Petitioners

Versus

Harjit Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE K.C. PURI.

Present: Mr. Vikas Gupta, Advocate for the petitioners.

 Mrs. G.K. Mann, Advocate for the respondent.

K.C. PURI, J. (ORAL)

Petitioners-Paramjit Kaur and Rita have applied for grant of anticipatory bail in complaint bearing No. 58/13, dated 16.12.2013, titled as Harjit Singh Versus Gurnam Singh and Others, under Sections 363, 366-A, 376, 302, 120-B of IPC, Police Station Jhander, District Amritsar.

The allegations made in the complaint are that victim was aged about thirteen years. Gurmit Singh, brother of the complainant, is living separately and is married with Paramjit Kaur-petitioner and Rita is one of the daughters of Gurmit Singh. It is further mentioned in the complaint that Gurnam Singh, main accused in the case, was working as mason in the house of Gurmit Singh and worked there for two months and during that period, he develop relation with Paramjit Kaur, to which the complainant objected. It is further alleged that on 20.07.2013, prosecutrix, who was student of 9th class, was taken away by the present petitioner and Jagir Singh told the complainant that Rita was holding the arms of prosecutrix and Paramjit Kaur was also seen with them. In nutshell, the

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allegations are that prosecutrix aged about 13/14 years, was raped by Gurnam Singh and the present petitioners help him in kidnapping.

Learned counsel for the petitioners has submitted that the police has thoroughly investigated the case and found the allegations false. He has further contended that in fact on the same day i.e. 20.07.2013, prosecutrix was met with an accident with 108 Ambulance, bearing registration No. PB-02-BQ-9489. He has further submitted that an FIR No. 41, dated 22.07.2013, was registered against Gurnam Singh.

Learned counsel for the complainant has submitted that on the next day, the petitioners had been named. She has further contended that an FIR No. 170, dated 13.08.2014, under Section 304-A of the Indian Penal Code was registered after more than one year and one month in order to shield the petitioners.

Learned counsel for the complainant has further submitted that vaginal swabs was sent for analysis. As per Chemical Examiner report, spermatozoa was found, which prove the factum of rape.

I have considered the submissions made by the learned counsel for the parties and have gone through the record of the case.

The cancellation report was submitted without awaiting the report of chemical examiner regarding rape of the victim. The learned Sub Divisional Judicial Magistrate, Ajnala, has rightly rejected the same. The allegations against the petitioners are of kidnapping and murdering the victim by throwing her in front of Ambulance.

So, in view of gravity of offence, no ground for grant of anticipatory bail is made out.

Consequently, the present petition stands dismissed.

February 09, 2015

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**(K.C. PURI)
JUDGE**