

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

CRM-M-32034 of 2015

Date of Decision: 01.10.2015

Sarabjit Kaur and others

--Petitioners.

Vs.

State of Punjab

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Amit Arora, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

CRM-32390 of 2015

Applicant seeks permission to place on record statement of
the prosecutrix recorded under Section 164 Cr.P.C.

Application is allowed, as prayed for.

CRM stands disposed of.

CRM-M-32034 of 2015

Petitioners seek pre-arrest bail in FIR No.70 dated
16.10.2013 under Sections 363/366-A/376/457/380/506 IPC,
registered at Police Station Valtaha, District Tarn Taran.

Learned counsel for the petitioners submits that petitioners
have been summoned with the aid of Section 319 Cr.P.C, vide order
dated 20.5.2015 (Annexure P-1). He further submits that since
nothing is to be recovered from the petitioners and their custodial
interrogation is not required, they are entitled for the concession of
anticipatory bail. He prays for allowing the present petition.

Having heard the learned counsel for the petitioners and

AMR/MMA
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I attest to the accuracy and
authenticity of this document

after careful perusal of the record of the case, particularly the findings recorded by the learned trial court in its order dated 20.5.2015 (Annexure P-1), coupled with fact that prosecutrix was minor, this Court is of the considered opinion that petitioners are not entitled for the concession of anticipatory bail. It is so said, because statements suffered by the prosecutrix under Section 164 Cr.P.C., as well as before the Court as prosecution witness, have not been found at variance in this regard.

As per the allegations levelled, petitioners have actively participated in the commission of crime facilitating the main accused namely Gurlal Singh in kidnapping the prosecutrix from her house, during night and thereafter, she was subjected to rape by Gurlal Singh. It has also been alleged that petitioners have committed other offences under Sections 457/380/506 IPC, as well. Since the allegations are direct and serious, petitioners are not entitled for the discretionary relief of anticipatory bail, at the hands of this Court.

In view of the above and without commenting anything further on the merits of the case, at this stage, lest it should prejudice the rights of either of the parties, this Court is of the considered view that no case of anticipatory bail has made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

01.10.2015
AK Sharma