

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1)

CRM No.M-41733 of 2014

Sahil

...Petitioner

VERSUS

State of Punjab

...Respondent

(2)

CRM No.M-662 of 2015

Sandeep Kumar

...Petitioner

VERSUS

State of Punjab

...Respondent

Date of Decision: February 09, 2015

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.B.S.Bhalla, Advocate
for the petitioner (in CRM No.M-41733 of 2014).

Mr.A.S.Barnala, Advocate
for the petitioner (in CRM No.M-662 of 2015).

Mr.Varun Sharma, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.H.S.Rakhra, Advocate
for the complainant.

INDERJIT SINGH, J.

Both the above-mentioned petitions are taken up together
being arisen from same FIR.

Petitioners have filed these petitions under Section 439
Cr.P.C. for grant of regular bail in case FIR No.183 dated 28.12.2013
under Sections 376, 342 and 506 IPC registered at Police Station
Bagha Purana, District Moga.

Notice of motion.

On the asking of the Court, Mr.Varun Sharma, Asstt. Advocate General, Punjab accepts notice on behalf of the respondent-State.

Learned State counsel contested both the petitions.

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

As per the prosecution version, FIR has been got registered by the husband of the prosecutrix that she went away from the house on 12.04.2013 in the evening and while going, she had taken away ₹2000/- and ear rings weighing ½ tola. He searched near his in-laws' house but could not find her.

As per prosecutrix's version, present petitioners kidnapped her and kept her confined secretly somewhere. In the meantime, a dead body was found in the area of Dabwali Police Station. As the dead body was resembling with the prosecutrix, so dead body was identified as of prosecutrix and was cremated by her parents. Later, the petition was filed before this Court regarding the investigation of that case of Dabwali and then prosecutrix appeared alive and got registered her statement alleging regular rape by both the petitioners and also that she was kept for four months and she was pregnant at that time.

As per learned State counsel, the prosecutrix has already delivered the child now. Prosecutrix has also got recorded her statement under Section 164 Cr.P.C. before the Magistrate.

Learned counsel for the petitioners relied upon prosecutrix's earlier statement before the Dabwali Magistrate and the police. But in the statement got recorded by prosecutrix, it is the allegation that accused under threat got recorded her statement before the police and also under Section 164 Cr.P.C. before Magistrate at Dabwali.

Keeping in view the facts and circumstances, nature and gravity of the offence and without discussing the merits of the case in minute details and without expressing any opinion on the merits of the case, I find that no ground is made out to grant regular bail to the petitioners.

Therefore, finding no merit in both the above-mentioned petitions, the same are dismissed.

February 09, 2015
Vgulati

(INDERJIT SINGH)
JUDGE