

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM No. M-44154 of 2014

Date of decision: 09.01.2015

Shokdeen

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.A.P.S.Sandhu, Advocate for
Mr.Ashok Kumar Arora, Advocate for the petitioner
Mr.Nikhil K. Chopra, DAG Punjab

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Learned State counsel on instructions from ASI Mukhtiar Singh states that as per investigation, age of the prosecutrix was 13 years at the time of alleged incident and as per record available with the police she is unmarried.

However, learned counsel for the petitioner contends that the prosecutrix is major and married at Gurdaspur. It has been argued that since two of the averments are found to be false, therefore, the remaining averments in the complaint cannot be taken to be truthful version of the prosecutrix. It has been argued that there was a money dispute on account of which false allegations have been levelled against the petitioner. Learned counsel for the petitioner further states that there is a delay of 16 days in recording

the FIR.

In this case, allegations of the prosecutrix are that on the night of 8.4.2014, at about 11. p.m. mouth of the prosecutrix was gagged, she was picked up from the bed and taken out of the house and thereafter, her clothes were torn. Surprisingly, the police had not invoked the kidnapping charges though from the plain reading of the FIR, offence of kidnaping is also made out. The investigation is still going on.

Keeping in view the gravity of the matter and the fact that a young girl was kidnapped and her clothes were torn, I do not find it a fit case for grant of anticipatory bail.

The petition is dismissed.

09.01.2015
gk

(Kuldip Singh)
Judge