

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-5105 of 2015
Decided on : 23.02.2015

Mandeep Singh alias Dippa

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTIC KULDIP SINGH

Present : Mr.Sanjay Gupta, Advocate for the petitioner.
Mr.N.K.Chopra, DAG, Punjab.
Mr.Ravi Chadha, Advocate for the complainant.

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Kuldip Singh , J. (Oral)

Petitioner Mandeep Singh alias Dippa has applied for grant of regular bail in FIR No.178 dated 9.7.2014 under Sections 363, 366- A, 363 IPC and subsequently added Sections 376, 120-B/ 34 IPC and also Section 6 of Protection of Children from Sexual Offence Act 2012 registered at Police Station Tanda, Hoshiarpur (Annexure P3).

A perusal of FIR shows that Parkash Kaur grand mother of the prosecutrix, has made a statement that the prosecutrix, who is her grand daughter, aged about 15 years and studying in 8th class has been enticed away by some unknown persons on 6.7.2014 at about 10 P.M. It further comes out that after the prosecutrix was recovered, she was examined under Section 164 Cr.P.C. before the learned Judicial Magistrate 1st Class, Dasuya on 13.8.2014. In her statement, the prosecutrix has levelled allegations against her grand

mother Parkash Kaur that she used to beat her and compel her to sit outside the house till midnight. She further stated that on 06.07.2014 she was turned out from the house by her grand mother and that two unknown persons met her, took her away and committed illegal act with her. Thereafter, she stated that Amandeep and Mandeep Singh alias Dippa (present petitioner) met her at Dasuya. They did not do anything with her and kept her in their house as a family member at Mukerian. She stated that the police took her signatures after putting her under threat at the instance of her grand mother Parkash Kaur. She further stated that Amandeep Singh and Mandeep Singh (present petitioner) have been falsely implicated. Further reading of statement of the prosecutrix shows that she opted not to go to the house of her grand mother and requested the Court that she may be sent to some Ashram.

Learned counsel for the petitioner has contended that the petitioner belongs to Congress Party and that the candidate of Akali Party was defeated in Block Samiti Elections and the local SSP Raj Jit Singh, who is real brother of Sukhjot Kaur Sahi sitting MLA of Akali Party has been posted as Senior Superintendent of Police, Hoshiarpur. He belongs to village Hardo Thala, District Hoshiarpur and at the instance of the local MLA, name of the petitioner has been dragged in the said case.

Learned counsel for the complainant has opposed this petition on the ground that prosecutrix has been influenced by the present petitioner.

In this case, challan is stated to have been presented.

Since the prosecutrix has not levelled any allegations of kidnapping or rape against the present petitioner and has stated that she was kept as a member of family by the petitioner in his house at Mukerian, therefore, prima facie, case for grant of regular bail to the petitioner is made out.

Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal bonds in the sum of ₹ 50,000/- with one surety in the like amount, to the satisfaction of the Illaqa / Duty Magistrate, Hoshiarpur.

[Kuldip Singh]
Judge

23.02.2015
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