

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

263

**Criminal Misc. No.M-11036 of 2016
Date of decision: 5th April, 2016**

Ramesh Kumar

....Petitioner

versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

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

Mr. Rupam Aggarwal, DAG, Punjab.

DAYA CHAUDHARY, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.125 dated 14.04.2013 registered under Sections 363-A, 366, 376 and 120-B of the Indian Penal Code at Police Station Rama Mandi, District Jalandhar during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas no offence is made out against him. The present FIR was registered on the basis of complaint made by the mother of the victims after a delay of three days which has not been explained and false and vague allegations have been levelled against the petitioner. The petitioner was neither named in the FIR nor

in the statement of the complainant got recorded before learned Additional Sessions Judge, Jalandhar. The complainant has also stated in her statement that her daughters came back on their own after a period of seven days from the date of occurrence. In view of the statement of the complainant recorded before the trial Court and by considering the factum of her marriage as well as the number of children out of the said wedlock, it cannot be presumed in any manner that the victims were minor at the time of alleged occurrence. The present petitioner has been implicated only on the basis of the statement made by the victim-Neha who has earlier named four persons, namely, Munshi, Ramesh, Kamlesh and Pawan. The co-accused Munshi Lal was earlier exonerated by the investigating agency in the enquiry and thereafter, the present petitioner was implicated. The petitioner is in custody since 09.03.2014 and the bail application has been dismissed by the lower Court without taking into consideration all these facts.

Learned counsel for respondent-State submits that both the daughters of the complainant were minor at the time of occurrence and both of them were kidnapped and were taken to far away place i.e. in the State of Bihar. Both the victims remained under threat and subsequently, when they were left out by the accused persons. They were recovered by the investigating agency. As per the statement of the victims recorded under Section 164 Cr.P.C., it has specifically been mentioned that the accused persons along with Munshi Lal who is co-accused of the petitioner threatened them and forcibly made them to sit in a bus. The prosecutrix-Neha while appearing in the witness-box as PW-2 has also stated that they were taken to Gonda Bairaj (Bihar)

where they were kept for fifteen days and all the four accused, namely, Munshi, Ramesh, Kamlesh and Pawan committed rape upon them.

Keeping in view the age of the victims and the seriousness of offence as well as the role attributed to the petitioner, no ground is made out to grant regular bail to the petitioner and the present petition being devoid of any merit is hereby dismissed.

However, keeping in view the custody period, the trial Court is directed to make all efforts to conclude the trial as early as possible.

April 05, 2016

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**(DAYA CHAUDHARY)
JUDGE**