

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

CRM-M-27547-2017 (O&M)

Date of decision : 31.08.2017

Sagar Kanda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. B.S. Bhalla, Advocate,
for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab,
assisted by ASI Kulwant Singh.

Mr. Saurabh Kapoor, Advocate,
for Mr. B.S. Bairagi, Advocate,
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks pre-arrest bail under Section 438 of the Code of Criminal Procedure, in FIR No.86 dated 23.05.2017, registered under Sections 376, 376-D, 494, 495, 328, 323, 120-B and 420 of the Indian Penal Code (for short, 'the IPC) and Sections 11 and 12 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the SC&ST Act') (added subsequently), at P.S. City South Moga.

It is contended that the factum of the co-accused/husband being already married was well within the knowledge of the complainant which is evident from Annexure P-5, the written statement filed on her behalf in the civil suit filed by her father. Initially, the couple had filed a petition before the Sessions Court, Moga, seeking protection as they were apprehending opposition to their marriage from complainant's family.

On the other hand, learned State counsel has opposed the prayer made and states that the allegations against the petitioner are serious in nature.

Learned counsel for the complainant states that serious allegations have been levelled against the petitioner. The petitioner and other co-accused forced the complainant to have illicit relations with other persons. She was also physically and mentally assaulted and abused in the name of her caste.

Heard.

Complainant has been heard in person. The petitioner is the main accused. The allegations against the petitioner-husband are serious in nature. It has been averred that signatures of the complainant on the written statement, Annexure P-5, were obtained by misrepresentation. Now, the provisions of the SC&ST act have also been invoked and bar under Section 18 thereof operates against him.

In view of the above, the instant petition is hereby dismissed.

Anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

31.08.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No