

CRM-M-14771-2018 &
CRM-M-20783-2018

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

(1) **CRM-M-14771-2018**

Gurpreet Singh @ Gopi

...Petitioner

Versus

State of Haryana

...Respondent

(2) **CRM-M-20783-2018**

Jaspreet @ Jassa

...Petitioner

Versus

State of Haryana

...Respondent

Date of Decision:-16.8.2018

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Ms.Narender Kaur, Advocate
for the petitioner in CRM-M-14771-2018.

Ms.Sukhpreet Kaur, Advocate
for the petitioner in CRM-M-20783-2018.

Mr.Gaurav Bansal, AAG, Haryana.

Mr.Sanjiv Gupta, Advocate
for the complainant.

H.S. MADAAN, J.

By this order, I intend to dispose of two petitions i.e. **CRM-M-14771-2018** filed by petitioner Gurpreet Singh @ Gopi and **CRM-M-20783-2018** filed by petitioner Jaspreet alias Jassa, who are accused in FIR No.3 dated 4.1.2018, under Sections 363/366-A/376-D, 506 IPC and

Section 6 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Ding, District Sirsa for grant of regular bail.

Briefly stated, facts of the case as per prosecution story are that FIR in this case was registered by complainant (name not being mentioned to conceal her identity and referred to as '*the victim*'), aged about 16 years, in which she stated that she is a student of 11th class in Guru Nanak High School, Bahavdin; that for the last about 5/6 months, she was having friendship with Manpreet @ Manna son of Thola Singh, resident of Jodka Road, Dhani Bahavdin, who used to come to her house and one day he telephonically called her stating that he wanted to meet her at some lonely place, however, she refused to do so stating that her parents and brothers do not allow her to do so and that they would get angry; that then on 3.12.2017 at about 6:00/7:00 p.m., Manpreet @ Manna made a telephonic call to her telling her that he would bring sleeping pills for her family and that the complainant should administer the same to them. According to the complainant at about 8/8:30 p.m. Manpreet @ Manna handed over a strip of sleeping pills; that the complainant gave the pills to her parents and both the brothers by mixing the same in the milk, resultantly all of them fell into fast sleep; that at about 10/10:30 p.m., Manpreet @ Manna and Gopi son of Kala Singh, resident of Bahavdin came to their house; that Manpreet @ Manna caught hold of hand of complainant, took her outside the house to a field at some distance, talking lovingly and then put up of her salwar, doing wrong things with her against her will; that when the complainant started weeping then accused left her there, thereafter Manpreet @ Manna and Gopi went away

from that place. According to the victim out of fear, she did not tell anything to any one as Manpreet @ Manna asked her on phone suggesting that they should elope and get married, in that way honour of complainant would be saved; that on 25.12.2017, Manpreet @ Manna again enticed her and at about 7:30 p.m.; that he picked the complainant from a place outside her house making her sit on a bike stating that they would marry at Chandigarh; that thereafter Manpreet @ Manna took the complainant to Chandigarh in a vehicle, however, marriage of Manpreet @ Manna and complainant could not materialize as the complainant happened to be minor; that on 26.12.2017, complainant, Manpreet @ Manna and Gopi and Jassa brother of Manpreet, who had accompanied them came back and then the complainant informed her family members that she had gone with Manpreet @ Manna for some urgent work and she kept mum due to fear of society; that Manpreet @ Manna threatened her that if she told anything to anybody then he would kill her and her family members; that on 3.1.2018, she told the entire story to her aunt(CHACHI) Mandeep Kaur wife of Gurtej Singh, who in turn informed her parents and then matter was reported to the police. After registration of the FIR, Gurpreet Singh @ Gopi was arrested in this case on 19.1.2018, whereas Jaspreet alias Jassa was arrested on 20.3.2018. They had moved applications for regular bail in the Court of Sessions, however, the same were dismissed by learned Additional Sessions Judge, Sirsa, as such, they have approached this Court by way of filing these petitions asking for the similar relief, notice of which has been issued to the respondent – State, which put in appearance through counsel. The complainant has also

appeared through counsel.

I have heard learned counsel for the petitioners, learned State counsel as well as learned counsel for the complainant besides going through the record.

Even as per the prosecution story, no overt act has been attributed either to petitioner Gurpreet Singh @ Gopi or petitioner Jaspreet @ Jassa. The main thrust of allegations is against Manpreet @ Manna against whom allegations of kidnapping and rape are there. The part attributed to petitioner Gurpreet Singh @ Gopi is that he was accompanying Manpreet @ Manna when they went to house of complainant on 3.12.2017 while prosecutrix had made members of her family take milk mixed with sleeping pills given to her by Manpreet @ Manna. Manpreet @ Manna had taken the complainant outside the house to field trying to outrage her modesty. Then he had left her there and Manpreet @ Manna and Gurpreet Singh @ Gopi had gone away while prosecutrix had returned home. Whereas the part attributed to Jaspreet @ Jassa is that when prosecutrix was taken to Chandigarh by Manpreet @ Manna for the purpose of marriage, then Jaspreet @ Jassa was accompanied them. The guilt of the accused shall be determined during the trial, the conclusion of which is likely to take some time.

Under the circumstances, I find it proper and appropriate if concession of regular bail is granted to the petitioners.

Accordingly, the petitions are allowed. The petitioners are ordered to be released on bail during the pendency of the trial, subject to their furnishing bail bonds and surety bonds to the satisfaction of the trial

Court/Chief Judicial Magistrate, Sirsa, on following conditions:

- (i) that they shall appear in the Court on each and every date of hearing;
- (ii) that they shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) that they shall not leave India without prior permission of the Court.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioners do not abscond and interfere in the trial.

The petitioners-accused are also directed to surrender their passports if they have got ones otherwise to furnish affidavits in that regard. In case the petitioners violate any term and condition on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

It is made clear that if the petitioners are found to be involved in any criminal act at any stage after being released on bail, the order granting them bail would be liable to be withdrawn.

The petitions stand allowed accordingly.

16.8.2018
Brij

(H.S. MADAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No