

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

**CRM-M No. 31313 of 2018
DATE OF DECISION :- August 13, 2018**

Saraj Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present:- Mr. Subhash Chander Sabharwal, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

Mr. SPS Sidhu, Advocate for the complainant.

This petition for pre arrest bail has been filed by petitioner Saraj Singh, an accused in F.I.R. No. 64 dated 4.6.2018 for offences under Sections 363, 366 IPC and offence under Section 376 IPC and Sections 3 & 4 POCSO Act, 2012 (added later on) registered with Police Station Kulgari, District Ferozepur.

Briefly stated the facts of the case as per prosecution story are that complainant Karamjit Kaur had informed the police of Police Station Kulgari that her daughter-prosecutrix (name withheld), aged about 17 years, who was residing with her maternal grand father and studying at Shaheed Bhagat Singh School at Kulgari had gone to School on 28.5.2018 at 7.00 A.M. but did not return home. Despite she being searched, she could not be located. Subsequently they came to know that her said daughter had been kidnapped by Gurpreet Singh, Saraj Singh by giving allurements of solemnizing marriage with her said daughter.

After registration of the F.I.R., investigation in the case started. Apprehending his arrest, petitioner Saraj Singh had approached the Court of

Sessions at Ferozepur seeking grant of pre arrest bail but his such petition was dismissed by learned Sessions Judge vide order dated 12.7.2018, as such he has knocked at the door of this Court asking for grant of similar relief.

The law is well settled that pre arrest bail is not to be granted in routine but in exceptional circumstances. Custodial interrogation of the petitioner-accused is definitely required for complete and effective investigation and in case it is denied to the Investigating Agency that shall leave many loopholes and lacunae which is uncalled for.

In the present case, the allegations against the petitioner are very serious and grave that he along with his co-accused Gurpreet Singh had kidnapped prosecutrix, who was a minor. The prosecutrix in her statement made to the police has stated that Gurpreet Singh along with Saraj Singh had kidnapped her and Gurpreet Singh had committed rape upon her.

Custodial interrogation of the petitioner is necessary to find out as to how the planning for kidnapping of the minor girl took place, the persons involved in the said plan and execution as well as role played by each one of them. If custodial interrogation is denied to the investigating agency that shall leave many loopholes and lacunae at this stage affecting the investigation, adversely which is uncalled for.

I find no merit in the petition, therefore, the same stands dismissed.

**(H.S. MADAAN)
JUDGE**

August 13, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No