

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

CRM M-11703 of 2019

Date of Decision: November 26, 2019

Karnail Singh

.....Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Piyush Sharma, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

The allegations against petitioner Karnail Singh in this first anticipatory bail application under Section 438 Cr.P.C. moved in FIR No. 261 dated 24.11.2018 under Sections 363 and 366-A of IPC and Sections 3 and 4 of Protection of Children from Sexual Offences Act, 2012 (later added offence under Section 376 IPC) registered at Police Station Sadar Ferozepur, District Ferozepur are to the effect as follows:- That complainant Malkiat Singh, father of the girl aged around 14 years and 02 months lodged a complaint that at the time of the occurrence the accused alongwith his brother Chinderpal Singh during the

night of 17/18.11.2018 enticed and took away her daughter leading to the registration of the present case. It is, subsequent, upon recovery of the girl on 26.11.2018, she made a statement under Section 164 Cr.P.C. before the learned Judicial Magistrate 1st Class detailing therein the events and the manner in which she was defiled by the accused.

Learned counsel for the petitioner *inter alia* contends that there is no corroborative evidence by way of DNA analysis to bring home the offence of rape by the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab on instructions from ASI Karnail Singh has stoutly opposed the grant of bail on the grounds that young minor girl had been defiled by the accused and heinousness of the offence and seriousness of the allegations entail dismissal of this application.

Appreciating the submissions of the two sides, as is there on the records, the girl in her statement under Section 164 Cr.P.C. made before the learned Judicial Magistrate 1st Class clearly underlines how she was defiled by the accused after being entrapped by him. The medical evidence collected during the investigation is illustrative to that effect. A young minor girl aged around 14 years and 02 months has been enticed away and, thereafter, defiled by the accused certainly stirs the conscience of the Court and in view of the offence committed,

the custodial interrogation is very much essential for comprehensive investigations.

The petition being devoid of merits stands dismissed.

November 26, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No