

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

CRM-M No.14640 of 2019
Date of decision: 7th May, 2019

Harjinder Singh & another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Amit Dhawan, Advocate for the petitioners.

Mr. Rakeshinder S. Sidhu, Asstt. AG, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Petitioners Harjinder Singh and Kashmir Kaur alias Sheero have sought anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.14 dated 07.02.2019 under Sections 307, 376, 363, 366-A IPC and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Talwandi Choudharian, District Kapurthala. The facts are that accused petitioner Harjinder Singh along with co-accused Kashmir Kaur alias Sheero forcibly kidnapped a minor girl aged around 17 years, daughter of the complainant, upon whom the accused Harjinder Singh had been committing rape and tried to compel the victim to enter into a wedlock with Harjinder Singh to which she denied and thus, she was intimidated that she would be liquidated. The accused kept the victim in wrongful confinement and when she tried to

run away, accused Pritam Singh, Vir Bhai, Kala Singh and the present petitioner Kashmir Kaur alias Sheero caught hold of the victim and poured kerosene oil on her and put her on fire. Apprehending arrest, the petitioners have come up before this Court in this anticipatory bail application.

Learned counsel for the petitioner Mr. Amit Dhawan contends that the victim is 17 years of age and was in a relationship with accused Harjinder Singh and had on her own voluntarily accompanied him to enter into a wedlock and that the accused Kashmir Kaur alias Sheero has not been attributed any role in commission of the offence and thus, sending the petitioners behind bars is not necessitated and prayed for grant of relief.

On behalf of the State, Mr. Rakeshinder Singh Sidhu, Asstt. Advocate General, Punjab on instructions from ASI Darshan Singh, Police Station Talwandi Choudharian, District Kapurthala though has not displaced the facts brought to the notice of this Court by learned counsel for the petitioners, but has stoutly opposed the grant of relief on the grounds that custodial interrogation of the petitioners is very much essential in view of the heinousness of the offence.

Appreciating the arguments of the two sides, there are specific allegations against accused Harjinder Singh of having defiled a minor girl against her wishes whereas accused Kashmir Kaur alias Sheero has facilitated the same and therefore, the latter has tried to

murder the victim when she tried to flee, by putting her on fire. The stand of the State that in her statement under Section 164 Cr.P.C. the victim has fully supported the prosecution and therefore, custodial interrogation of the petitioners is very much essential. Thus, finding no merit in the petition, the same stands dismissed.

(FATEH DEEP SINGH)
JUDGE

May 7, 2019
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No