

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-17899 of 2019 (O&M)
Date of decision : September 11, 2019

Gursewak Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. PS Sekhon, Advocate, for the petitioner

Mr. Harbir Sandhu, AAG, Punjab, for the State with
ASI Parminder Singh, PS Sadar Mansa

Fateh Deep Singh, J. (Oral)

In this first regular bail application before this Court by accused-petitioner Gursewak Singh against whom case bearing FIR No. 153 dated 22.8.2018 under Sections 376/34 IPC and Sections 3 and 4 of POCSO Act and Section 3 of the SC & ST(Prevention of Atrocities) Act, 1989, Police Station Sadar Mansa has been registered, are as follows:-

The present case was registered on the statement of an

unmarried minor girl then aged around seventeen/seventeen and a half years, alleging that the accused-non-applicant Deepi Singh alias Hardeep Singh had mediated between her for marriage with the present accused petitioner Gursewak Singh. On 12.8.2018 in the afternoon, the prosecutrix received a call from the petitioner telling her to get ready as he was coming. On the basis of which, the complainant went out where petitioner met her and took her on a motor bike to fields and on the enticement of marriage raped her against her wishes and thereafter deserted her leading to the registration of the present case.

Mr. PS Sekhon, learned counsel for the petitioner has argued that co-accused of the petitioner namely Hardeep Singh alias Deepi has been allowed regular bail by this Court vide orders dated 13.3.2019 and the petitioner is behind the bars since a long time. It is submitted that the girl has volunteered into this relationship and therefore, allegations of forcible rape do not exist.

Learned State counsel, Mr. Harbir Sandhu, AAG, Punjab has strongly opposed the prayer of the petitioner submitting that a minor girl on the enticement of marriage has been taken away and defiled and in view of the heinousness of the offence, the petitioner is not entitled to any relief.

As is there on the records, co-accused Hardeep Singh was allowed regular bail as his case was quite distinguishable from that of the present petitioner and therefore, principle of parity cannot be sought in the case of present petitioner-accused. The accused-petitioner by his deceptive acts has enticed a minor girl and thereafter defiled her on the fraudulent pretext of marriage. Thus in view of the seriousness of the allegations, the petitioner does not entitle to any relief. The present petition thus stands dismissed.

September 11, 2019

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(Fateh Deep Singh)

Judge

<i>Whether speaking/reasoned ?</i>	Yes/No
<i>Whether Reportable ?</i>	Yes/No