

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

CRM-M No.23425 of 2019

Date of decision: 12th July, 2019

Amarjeet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

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

Mr. H.S. Grewal, Addl. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J.

The petitioner namely Amarjeet Singh accused in this case bearing FIR No.0067 dated 24.07.2018 under Sections 365, 376, 506 IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Mallanwala, District Ferozepur has sought anticipatory bail under Section 438 Cr.P.C. The present case has been got registered on the statement of a minor girl aged between 15 to 16 years alleging that on 08.11.2017 around 8:00 a.m. while she was going to her school, the accused petitioner Amarjeet Singh met her and after muffling her face forcibly took her on a motorcycle to an unknown place in Bathinda where the accused met one Gora Singh and after locating a suitable place Amarjeet Singh defiled the girl and thereafter while going, handed over the girl to accused Gora Singh who under threat took the girl to a house and raped her. It was subsequently, the accused managed to threaten the girl and got a complaint instituted by the girl against her parents but subsequently the truth was revealed and the present case was got registered.

Learned counsel for the petitioner Mr. Tarun Sharma, Advocate inter alia contends that the girl had volunteered into this relationship and the present case has been got registered after more than one year four months of the occurrence and there is no medical evidence to corroborate the allegations.

Learned State counsel Mr. H.S. Grewal, Addl. Advocate General, Punjab on instructions from ASI Nishan Singh, Police Station Mallanwala, District Ferozepur has strongly opposed the grant of bail on the grounds that the accused are clever persons who under threat and intimidation of the minor victim, had devised ways and means to sabotage their prosecution and that custodial interrogation of the petitioner is very much essential.

Appreciating the submissions of the two sides, admittedly the prosecutrix happens to be a minor girl and the manner in which she has been defiled after threats and intimidation made to forego her legal rights to prosecute the accused and the fact, as is evident from the police file that there has been ways and means to sabotage fair investigations, and thus, apprehension of the State that if allowed bail the petitioner might influence the trial, is not unfounded. In view of heinousness of the offence and seriousness of allegations disentitles the petitioner to any relief. Finding no merit, the present petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

July 12, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No