

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

CRM M-38712 of 2019

Date of Decision: December 10, 2019

Kuldeep Singh and another		Petitioners
	Versus	
State of Punjab		Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Munish Raj Chaudhary, Advocate
for the petitioners.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Kuldeep Singh Siwach, Advocate for
Mr. P.S. Dhaliwal, Advocate
for the respondent.

FATEH DEEP SINGH, J. (Oral)

Petitioners/couple Kuldeep Singh and Sukhwinder Kaur who happen to be parents of accused/non-applicant Davinder Singh @ Sherry have come up before this Court in this first petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 337 dated 29.08.2019 under Sections 376, 511, 354-B, 384, 506 and 120-B IPC and Sections 4 and 8 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station City Barnala.

Complainant an unmarried girl aged around 17½

years alleged that she came in contact with accused Davinder Singh @ Sherry while she was going to school and, thereafter, used to talk over the mobile phone. Accused Davinder Singh @ Sherry promised to enter into a wedlock with her, to which, the present petitioners being parents of the boy too agreed. It is alleged that she often used to accompany the principal accused Davinder Singh @ Sherry for a cup of tea/coffee and even visited his house. The complainant further alleged that two months back prior to registration of the present FIR, the principal accused took her to his room; forcibly removed her clothes; made vulgar video and tried to rape her but she resisted and returned back. It is, thereafter, the present case was got registered.

Learned counsel for the petitioners *inter alia* contends that the petitioners being parents of the principal accused have been falsely roped in the present case, no specific role is attributed to them in the commission of the offence and nothing is to be recovered from them.

On assistance of ASI Sukhdev Singh, Ms. Sakshi Bakshi, AAG, Punjab has fairly conceded that there is no allegation of rape against the petitioners and they have alleged to be only giving assurance that they will ensure the marriage between the complainant and their son. The State has only opposed the bail on the grounds that there is every likelihood that the petitioner if allowed bail might influence the

investigation and during the trial.

Going through the submissions and what has come up before this Court, the petitioners are the parents of the boy, no specific role is attributed to them in the commission of the offence and mere assurance of getting their son married with the complainant falls within the ambit of civil injury and nothing is to be recovered from them. Therefore, the present petition is allowed and in the event of arrest, the petitioner be released on bail to the satisfaction of Arresting/Investigating Officer. The petitioner shall, however, join the investigation as and when called for to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C. Thereafter, will be released on regular bail upon presentation of challan.

Disposed off.

December 10, 2019

amit rana

(FATEH DEEP SINGH)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No