

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-493 of 2019 (O&M)
Date of decision : March 18, 2019

Navdeep Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Aditya Pal Singla, Advocate, for the petitioner
Mr. Avtar Singh Sandhu, Addl. AG Punjab for the State with
ASI Rajinder Kumar, PS Narpur Bedi, District Rupnagar

Fateh Deep Singh, J. (Oral)

The present case was got registered on 12.5.2018 on the statement of an un-married girl aged around 17 years. In her allegations, the prosecutrix alleged that two years prior to the registration of the case, accused non-applicant Simranjit Singh of her village on enticement and promise of marrying her entered into physical relationship with her and clicked her intimate photographs. On the basis of these photographs, the accused would blackmail the complainant to force her to submit to the physical needs of the accused. It is alleged further that the accused thereafter shared these photographs with the present accused Navdeep

Singh of the same village. The present petitioner forced the complainant to submit to his physical needs and on the basis of her objectionable photographs blackmailed her and thus, defiled her. The accused had been threatening the complainant that they will affix her such photographs on the walls of the village and did so leading to the registration of the present case in which the petitioner was arrested on 30.6.2018.

Mr. Aditya Pal Singla, counsel for the petitioner inter-alia contends that the petitioner is behind the bars since a long time and the principal accused Simarnjit Singh has been allowed anticipatory bail by the court of learned Additional Sessions Judge, Rupnagar vide orders dated 29.8.2018 arguing that on account of principle of parity, the petitioner too is entitled to this relief and that the relationship if any were of consensual nature.

Learned State counsel assisted by SI Rajinder Kumar, PS Nurpur Bedi, District Rupnagar have sought to oppose the grant of bail on the grounds of heinousness of crime and seriousness of allegations arguing further that the minor girl has been defiled by the accused by blackmailing her and threatening her and therefore, if allowed bail, the petitioner might influence the trial.

Admittedly, the prosecutrix is a minor girl at the time of commission of offence. The argument on the basis of principle of parity does not hold good firstly on account of some sort of settlement between the prosecutrix and the then petitioner Simranjit Singh, how the court below

had allowed anticipatory bail on a settlement with a minor victim when offences are of heinous nature and therefore, this argument is brushed aside. The allegations levelled by the complainant spelled out how the minor girl was entrapped in this vicious circle by the accused and was made to submit to their physical needs. The presence of spermatozoa as per the medical analysis is corroborative to the allegations of the prosecution. The apprehension of the State that if allowed bail, the petitioner would influence the trial is not unfounded as in case of co-accused Simranjit Singh this thing is quite apparent for which the findings of the court below qua him needs to be deprecated especially when the victim is minor and there are serious allegations of rape of a minor girl. In view of seriousness of the allegations and heinousness of the offence and the fact that mere incarceration is no extenuating circumstance, the present petition being without merit, stands dismissed.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

March 18, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No