

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

**Criminal Misc. No. M-50535 of 2019 (O&M)**  
**Date of decision : December 06, 2019**

Rajan Kumar

....Petitioner

versus

State of Punjab

....Respondent

**Coram: Hon'ble Mr. Justice Fateh Deep Singh**

Present : Mr. CS Rana, Advocate, for the petitioner

Mr. Pawan Sharda, Sr. DAG Punjab for the State

**Fateh Deep Singh, J. (Oral)**

The allegations against petitioner Rajan Kumar in this second regular bail application filed in case FIR No. 306 dated 27.9.2018 under Sections 363, 366, 376, 506, 120-B, 354-A, 366-A IPC, Police Station Division no. 7, Ludhiana are as follows:-

The present case was got registered by Jai Parkash father of unmarried girl then aged around 18 years alleging that on 21.9.2018 around evening time when the girl had gone out she did not return leading to the registration of the present case. During the inquiry it revealed that one Ramu and Uma were in contact with the

girl to whom she had asked for a favour to get a job. It is thereafter one Phool Chand made a telephonic call to the girl and asked her to come to Samrala Chowk on 21.9.2018 evening time. At the designated place and time accused Phool Chand met the girl and offered her cold drink laced with intoxicant which she consumed and thereafter was taken in a tempo. The girl thereafter lost her consciousness and it is alleged that accused Phool Chand taking her undue advantage defiled her and which he repeated after physically assaulting her. It is under threat and intimidation the girl was taken to a village in UP and there too it is alleged that Phool Chand along with his co-accused had been defiling the girl and levelled allegations against the present petitioner.

Learned counsel for the petitioner inter-alia submits that the girl was major at the time of occurrence and had volunteered into this relationship. It is claimed that the girl on her own gone with the accused and there is nothing suggestive in the medico legal examination to corroborate the allegations arguing that the petitioner is behind the bars since a long time and that the trial is not likely to be concluded in near future.

Learned State counsel has opposed the bail inter-alia submitting that the petitioner along with his co-accused numbering

more than two have kept the girl in illegal detention and had been ravaging her and which is borne out from her statement under section 164 Cr.P.C. and therefore, the petitioner is not entitled to any bail.

No doubt the girl at the time of occurrence was around 18 years of age. However, her allegations enshrined in her statement under Section 164 Cr.P.C. recorded by the learned Judicial Magistrate is illustrative of the fact underlying how the petitioner along with his co-accused had been forcibly detaining the girl, assaulting her and ravaging her against her wishes on innumerable occasions. Keeping in view the allegations and the fact that if allowed bail, the petitioner might influence the witnesses and mere long period of incarceration is no ground to allow the bail. The present petition as such 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.

**December 06, 2019**  
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**( Fateh Deep Singh )**  
**Judge**

*Whether speaking/reasoned ?*  
*Whether Reportable ?*

*Yes/No*  
*Yes/No*