

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

CRM-M- 21476 of 2020

Date of Decision : August 04, 2020

Harjinder Singh

..... PETITIONER(S)

VERSUS

State of Punjab

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Tarun Sharma, Advocate, for the petitioner.
Mr. H.S. Sullar, Deputy Advocate General, Punjab.

...

Sanjay Kumar, J.

The petitioner seeks anticipatory bail in relation to FIR No. 7 dated 08.02.2019 on the file of Police Station City Jalalabad, District Fazilka, registered under Section 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (Sections 376-D, 366-A, 506 IPC and Section 6 of the Act of 2012 were added later on).

This is a case of alleged rape of a minor girl aged about 14 years. The complainant, her father, stated that, on 05.02.2019, his daughter was taken forcibly in a car and subjected to rape by the named accused. The petitioner was alleged to have gotten into the car with the named accused when the girl was being abducted. As per the statement made by the girl on

not one but two men. According to her, their faces were muffled (masked).

However, in their depositions before the Sessions Court, both the complainant and the girl turned hostile. So much so, they went to the extent of stating that the accused, who were apprehended and were present in the Court, were innocent and had not committed any bad act. If the men who were present in the car at the time of her abduction had muffled (masked) faces and were incapable of identification, it is indeed surprising that the girl gave a clean chit to the accused in such strong terms. This fact is sufficient in itself to show that the primary witnesses, the girl as well as her father, were subjected to either intimidation or inducement. The case would have to be judged by the trial Court on the strength of the medical evidence and the evidence that may emerge upon interrogation of the other accused in the case, including the petitioner herein.

In the light of the aforestated facts, when it is clear that the evidence and witnesses in this case are being demonstrably tampered with, the petitioner would not be entitled to seek indulgence by way of pre-arrest bail.

The petition is accordingly dismissed.

August 04, 2020
Kang

(Sanjay Kumar)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No