

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

CRM-M-36856-2020(O&M)

Date of Decision: November 17, 2020

Reetak

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Dheeraj Mahajan, Advocate
for the petitioner.

Mr.Sidakmeet Singh Sandhu, DAG, Punjab

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HARINDER SINGH SIDHU, J.

The case is taken up for hearing through Video Conference due to Covid-19 situation.

The petitioner has sought pre-arrest bail in case FIR No.127 dated 22.09.2020 under Sections 363, 336, 452, 506 IPC (Sections 376 and Section 6 of Protection of Children from Sexual Offences Act, 2012 added later on and Section 25/27 of Arms Act), registered at Police Station Dorangla, District Gurdaspur.

The FIR was lodged on the statement of Avtar Singh, who stated that he has two sons and two daughters. One of his daughter (the prosecutrix) was born on 23.07.2004 and studying in 11th standard in Government Senior Secondary School, Chabkara. On 22.09.2020, he along with his wife and daughter was present in the house. At about 1.45 pm,

was flaunting in the air, Gurjit Singh @ Bhaa, who was armed with Dattar along with four unidentified persons who were armed with iron rods, opened the gate of his house and entered the same. They forcibly caught hold of his daughter (prosecutrix) by her arms. She tried to get free and raised alarm, but she was dragged to outside and kidnapped.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR. In fact, the prosecutrix had willingly eloped with co-accused Sukhdeep Singh @ Bura and the petitioner has been falsely implicated in the case. The prosecutrix was allegedly recovered on 29.09.2020, who got her statement recorded under Section 164 CrPC before the Magistrate. Thereafter, she again got her supplementary statement recorded before the Police. There is variation in different statements of the prosecutrix and her father.

Vide order dated 10.11.2020, the State counsel was directed to produce in a sealed cover the statement made by the prosecutrix under the provisions of Section 164 CrPC. Pursuant to the order, the original statement of the prosecutrix has been placed on record in a sealed cover by SI Dharamjit Singh, PS Dorangla, District Gurdaspur.

On perusal of the statement under Section 164 CrPC, it reveals that the petitioner has been named therein by the prosecutrix along with others. Also in the supplementary statement recorded by the Police, the petitioner has been named. The petitioner is alleged to be armed with an iron rod and was part of the group of boys, who kidnapped the prosecutrix.

Considering the gravity of allegations against the petitioner, there is no ground to grant him the benefit of pre-arrest bail.

Accordingly, the petition is dismissed.

The envelope containing statement of the prosecutrix under Section 164 CrPC be returned to the State Counsel for onward transmission to concerned quarters.

November 17, 2020

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No