

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

**CRM No.M-53618 of 2019 (O&M)
Date of Decision: September 30, 2020**

Sukhdev Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.R.K.Arya, Advocate,
for the petitioner.

Mr.Sidakmeet Singh Sandhu, AAG, Punjab
for the respondent-State.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the
light of the COVID-19 pandemic.

Heard on the petition.

Petitioner has filed this petition under Section 439 Cr.P.C. for
grant of regular bail in case FIR No.63 dated 15.07.2012 under Sections 363
and 366-A IPC (Sections 376 and 120-B IPC added later on), registered at
Police Station Tibber, District Gurdaspur.

Learned State counsel has sent short reply by way of affidavit
of Deputy Superintendent of Police, City Gurdaspur in compliance of order
dated 10.09.2020 passed by this Court and has also sent custody certificate
of the petitioner, hardcopy whereof, have been placed on record.

As per version of the prosecution, daughter (prosecutrix) of the complainant, on 10.07.2012, had gone to the school but she never returned back. However, later on, father of the complainant came to know that his daughter had been taken away by Sukhdev Singh s/o Sucha Singh, who is brother-in-law of Dalwinder Kaur, other daughter of the complainant. Said Sukhdev Singh had enticed away with the prosecutrix, with an intention to marry her.

In the reply, filed in the form of affidavit of DSP, City Gurdaspur, which has been taken on record today, it is stated in paragraph No.4 that during the investigation, the victim came back on 16.07.2012 and her medical examination was got conducted on the same day by the Investigating Officer. Even, her statement under Section 164 Cr.P.C. was recorded. As per chemical report, 'Spermatozoa' were detected in the exhibits so sent for chemical analysis. Addition of Sections 376 and 368 IPC was made thereafter.

Now, it is submitted by learned counsel for the petitioner that medical report, so relied upon by the prosecution does not relate to the prosecutrix and it relates to her sister Dalwinder Kaur, who is already married. It is also submitted that a false case has been planted upon the petitioner, solely on the account of matrimonial dispute of sister of the prosecutrix with her husband, who is brother of the present petitioner. It is also submitted that the petitioner has been in custody since 09.11.2018.

However, the claim of the petitioner has been resisted by learned State counsel. He has brought to the notice of this Court that a case was registered against three accused and present petitioner had evaded the

consequently, the trial was faced by only two other accused. However, one of the accused had died and other accused had ultimately been convicted in this case. It was only in pursuance of arrest of the petitioner on 19.11.2018 that supplementary challan was presented and now the case is fixed for recording of the prosecution evidence.

In the light of the aforesaid fact situation, it is too early to comment upon the false implication of the petitioner in the present case. The plea of medical record not being related to the prosecutrix can only be appraised at the appropriate stage during the course of the trial. The petitioner had already been declared Proclaimed Offender as he had evaded the process of law. It was only consequent to his arrest on 09.11.2018 that supplementary challan was presented. The custody certificate of the petitioner also reveals about another FIR bearing No.69 dated 29.0.2013 under Sections 363, 367, 368 and 506 IPC to have been registered against the present petitioner.

As such, the innocence of the petitioner cannot be ascertained at this stage. Considering the conduct of the petitioner, no ground is made out for grant of regular bail to him.

Consequently, finding no merit in the present petition, the same is dismissed.

(ARCHANA PURI)
JUDGE

September 30, 2020
Vgulati

Whether speaking/reasoned
Whether reportable

Yes
No