

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

CRM-M-43048 of 2021 (O&M)
Date of Decision: October 12, 2021

Gursewak Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.112 dated 28.06.2021, registered under Sections 363, 366-A, 376, 506 of Indian Penal Code and Sections 3, 4 of POCSO Act at Police Station Sardulgarh, District Mansa.

Counsel for the petitioner would contend that the petitioner herein has been falsely implicated in the present case, as the allegations as set out in the FIR are not sustainable. He would further argue that challan qua the main accused Lovepreet Singh has been presented, in which there is a categorical statement that a motorcycle has been recovered, which Lovepreet Singh has used for enticing away the minor prosecutrix. It is contended that main accused Lovepreet Singh and the minor prosecutrix

were in love relationship, with which the petitioner herein has no concern.

Notice of motion.

At this stage, Mr. A.S. Gill, Sr. DAG Punjab, who is present in court, accepts notice on behalf of the respondent-State. He would submit that a reading of the statement of the prosecutrix recorded under Section 161 Cr.P.C. would clearly show that it is the petitioner herein who had taken the minor girl, aged 13 years and the main accused Lovepreet Singh in his Swift car to Chandigarh and also threatened the minor prosecutrix. It is argued that challan that has been presented qua Lovepreet Singh would reflect that Lovepreet Singh had taken her away on the motorcycle and it is the petitioner herein who came into picture later on, who took the minor girl and the main accused to Chandigarh.

I have heard counsel for the parties and have also gone through the pleadings of the case.

As per the allegations in the FIR, in the present case, a minor girl, aged 13 years, was enticed away by the main accused Lovepreet Singh on the pretext of marriage from her house in the mid night. After the minor prosecutrix was recovered, she got recorded her statement under Section 161 Cr.P.C. wherein, she categorically stated that Lovepreet Singh had lured her away and raped her. She further stated that the petitioner herein namely Gursewak Singh had taken them in his vehicle to Chandigarh and also threatened to kill her, in case, she disclose the incident to anyone. Moreover, the Swift car, which was used by the petitioner in taking away the minor prosecutrix and the main accused Lovepreet Singh to Chandigarh, is yet to be recovered. Under these circumstances, once custodial

interrogation of the petitioner is required for a result oriented investigation,
this court is not inclined to grant anticipatory bail to the petitioner.

In view of the above, the instant petition is hereby dismissed.

October 12, 2021
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No