

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-43179-2020****Date of Decision: 21.01.2021**

Gurpreet Singh @ Manish

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Ms. Sheenu Sura, DAG, Haryana,
assisted by SI Kamlesh Kumari.*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.129 dated 08.11.2020 at Police Station City Pehowa, District Kurukshetra, under Sections 363, 366-A, 328, 343, 506, 376 (3), 120-B IPC (Section 6 & 17 of POCSO Act added later on).
2. The FIR was lodged at the instance of Joyti, mother of the victim, wherein it is alleged that her daughter i.e. the victim, went missing from 04.11.2020 and that she suspected that Neeraj and his cousin Manish Kumar had enticed her daughter. It is further the case of the prosecution that the victim was recovered on 11.11.2020 and her statement in terms of Section 164 Cr.P.C. was recorded, wherein she stated that she was called to bus-stand, Ambala by Ishika, as she needed victim's help since Ishika's mother was

stated to be unwell. The victim further stated that Ishika and Neeraj were present at the bus-stop, who offered her a cold drink and upon consuming the same, she felt unconscious and later she found herself in a room in Ambala and that Neeraj @ Baljit Singh established forcible physical relations with her.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case on account of the fact that he happens to be cousin of Neeraj with whom the victim had allegedly eloped. Learned counsel has further submitted that even in the statement recorded in terms of Section 164 Cr.P.C., there is no specific allegation against the petitioner.
4. Opposing the petition, learned State counsel has submitted that it is a case where the victim was a minor aged nearly about 14 years and there are specific allegations that she had been raped by Neeraj, who is none else but cousin of the petitioner. It has been submitted that since the petitioner is specifically named in the FIR and that his wife, namely, Ishika had called the victim at the bus-stand, the complicity of the petitioner is clearly evident. Learned State counsel has further submitted that during the course of investigation, it has surfaced that the room where the victim had been kept at Ambala was taken on rent by the petitioner, so as to facilitate the commission of rape.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the facts that the petitioner is not specifically named in the statement of the victim recorded in terms of Section 164 Cr.P.C. and that he is not alleged to have caused any physical

harm to the victim and the main allegations pertaining to rape are against co-accused Neeraj, the petition is accepted and the petitioner, in the event of arrest, is ordered to be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

21.01.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**