

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

(111)

CRM-M-1455-2022

DATE OF DECISION:- 13.01.2022

SANDEEP SINGH @ DEEP SANDY

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. K.B.S.Mann, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab
for the respondent-State.

SUVIR SEHGAL, J. (ORAL)

Heard through video conferencing.

Vide the instant petition filed under Section 438 of the Code of Criminal Procedure, 1973, the petitioner seeks grant of pre-arrest bail in FIR No.78 dated 25.03.2021 registered for commission of offences under Sections 363, 366-A, 342 and 376-DA of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012, at Police Station Lambi, District Sri Muktsar Sahib.

Criminal law has been set in motion on the statement of a 15 year old victim on the allegation that she is a student of 6th class and her father and brother are working in a Chicken Centre, whereas her mother sells cosmetic articles on the street. About 8 to 9 months earlier, she met Sandeep Singh @ Deep Sandy (present petitioner). He gave her a mobile with a sim and used to call her. He started talking about getting married to

her and on 15.03.2021 asked her to come to bus stand Mandi Killianwali from where he wanted to take her to Jalandhar to get married. Early in the morning on 16.03.2021, when her family members were asleep, she left her paternal home and went with him to Jalandhar, where the petitioner kept her in a room from 16.03.2021 to 20.03.2021. He and his friends, Rahul, Ranjit, Santosh, Lambu, Sandeep @ Siyan, Billa and Santosh's brother raped her one by one. As they used to call each other by their name, so she came to know about their identity and also that they were working in a shop at the bus stand at Jalandhar. In the morning on 20.03.2021, when they went to work, on getting an opportunity, she escaped from the room and from the mobile of an unknown person, she made a call to her mother, who came to the bus stand and took her home. She reached in the morning on 21.03.2021. As she was in a state of trauma, she did not narrate the incident to her parents till 23.03.2021, who took her to a lawyer on 24.03.2021 and she was produced in the Court and later taken to a hospital at Lambi.

Counsel for the petitioner has urged that the petitioner has been falsely framed. By relying upon the deposition of the victim and her mother, Annexures P-1 and P-2, who have been examined as PW-1 and PW-2, counsel contends that both the material witnesses have not supported the case of the prosecution.

Per contra, learned State counsel, upon instructions from, ASI Jeet Singh, has opposed the petition and submitted that the allegations have been supported by the victim in her statement recorded before the Magistrate and that out of the nine accused only three have been arrested, who were produced in the Court, and the others, including the petitioner, are yet to be nabbed. Still further, it is his argument that the medical

evidence as well as the statement of the Investigating Officer is yet to be recorded and even the DNA report is awaited.

I have heard counsel for the parties and gone through the paper book with their able assistance.

There are categoric allegations against the petitioner, who has enticed a minor girl on the pretext of marriage. On his allurement, the minor left her home and went with him to Jalandhar, where he kept her in a room and exploited her along with his friends. Though, the victim has supported the accusations in her statement recorded under Section 164, Cr.P.C., but she has not been able to identify the friends of the petitioner, who were produced in Court. In her examination in chief, she has specifically stated that she can identify the accused if they are produced before her. The petitioner is yet to be apprehended and produced in the Court. This Court, therefore, is of the view that his custodial interrogation is imperative.

Keeping in view the seriousness of the offence and nature of the allegations, the petitioner is not entitled to the grant of discretionary relief of anticipatory bail.

Petition is dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

13.01.2022
Kamal

Whether speaking/ reasoned	Yes/ No
Whether Reportable	Yes/ No