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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16047-2022

Date of Decision:- 11.04.2023

Dharampal alias Tinku

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. A.S. Bhatti, Legal Aid Counsel for the petitioner.

Mr. M.S.Joshi, Addl. A.G. Punjab.

Mr. Munish Puri, Advocate for the complainant.

AMARJOT BHATTI, J. (Oral)

The petitioner – Dharam Pal @ Tinku has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 128 dated 30.12.2021 under Section 363, 366, 494, 120-B (later on added Section 376, 342 of IPC, registered at Police Station Taragarh, District Pathankot.

The facts of the case are that the complainant – Sanwar Singh gave his statement to the police that he is having a son and a daughter i.e. the victim whose date of birth is 25.11.1999. She was studying in B.A. 2nd year at Aman Bhalla Technical College, Kotli. On 08.11.2021, as usual at 08:40 A.M, she had gone for her college. She used to return home at around 03:00 P.M, but on that day, she did not come home. He inquired from his relatives and tried to locate her but failed. On inquiry, he came to know that his daughter was taken away by Dharam Pal son of Late Shri

Ramesh Chander who was working with Karan Salaria for the purpose of marriage in connivance with his brother Panku. Dharam Pal was already married with another lady Saloni Kamboj. The complainant approached Karan Salaria and told him that his daughter should be handed over to him. On 11.11.2021, he was given the assurance that his daughter will return back. The entire day, he kept on sitting with Karan Salaria but he put off the matter by saying that he has not received call from Dharam Pal. With these allegations, present case was registered.

As per the status report received in this case, the statement of prosecutrix was recorded under Section 164 Cr.P.C. on 07.01.2022 where she claimed that she was confined in a room in Jammu where Dharam Pal @ Tinku raped repeatedly without her consent. Therefore, the offence under Section 342, 376 of IPC were added later on.

Learned counsel for the petitioner argued that all the allegations levelled against him are false. He is 60% disabled person as his left leg is amputated. He has placed on record his Disability Certificate and photographs as Annexures P-2 and P-3. In fact, it was the prosecutrix who forced him to accompany her as she was annoyed with her family. The prosecutrix had already consulted somebody for the purpose of employment as a helper in the household work, cooking etc. She met with her two friends namely Deepak and Chander Shekhar. They had also gone to Delhi and village Hadras, Bihar. The prosecutrix used to work for making garland. The petitioner was totally dependent on her. Even otherwise, there is delay of 52 days in lodging the report. The petitioner was simply on talking terms with the prosecutrix. She had shared her emotions of love and affection towards him which is evident from the chat

on Instagram, which is Annexure P-4. She had left her house on her own.

All the allegations levelled against him are false. Even otherwise, he has joined the investigation and was granted interim bail vide order dated 13.12.2022. It is prayed that the interim bail may be confirmed.

On the other hand, learned counsel representing the State as well as learned counsel for the complainant opposed the anticipatory bail application filed by the petitioner. It is pointed out that Dharam Pal was already married with another girl namely Saloni Kamboj. It is further argued that there are specific serious allegations against him. The victim was kept confined in a room in Jammu and was raped repeatedly. She managed to escape from there and contacted her parents. The statement of the victim recorded under Section 164 Cr.P.C. is Annexure R1/1 and the copy of MLR is Annexure R1/2. Considering the gravity of offence, he is not entitled to the concession of anticipatory bail.

I have considered the arguments and have gone through the record carefully. The FIR was registered on the statement of father of the victim. As per the facts of the case, the victim had gone to attend her college on 08.11.2021 and thereafter, she did not return home. The father of the victim suspected Dharam Pal @ Tinku for abduction of his daughter with the intention to marry her. The contents of bail application indicate that the present petitioner has not denied his presence along with the victim during the period she remained away from her house. It is mentioned in the bail application that firstly they had gone to Jammu then they had gone to Delhi and then in village Hadras, Bihar. As per the version of victim, she managed to escape and return home on 07.01.2022 i.e. after a period of two months. The statement of the victim recorded under Section 164 Cr.P.C. Annexure R1/1 is material. It is further important that the present petitioner, though handicap, was earlier married

to Saloni Kamboj and thereafter, he managed to allure the victim. The allegations are serious in nature. Considering the status report as well as the gravity of offence, I do not find a fit case for grant of anticipatory bail to the petitioner – Dharam Pal @ Tinku and the same is accordingly, declined.

11.04.2023
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(AMARJOT BHATTI)
JUDGE

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