

CRM-M-17012-2023

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

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CRM-M-17012-2023

Date of decision : 13.04.2023

Ranbir Singh

..... Petitioner

V/S

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Rajiv Kumar Saini, Advocate for the petitioner.

Mr. Kunwarbir Singh, Assistant A.G. Punjab.

AMARJOT BHATTI J. (ORAL)

The petitioner- Ranbir Singh has filed anticipatory bail petition under Section 438 Cr.P.C. in FIR No. 04 dated 08.01.2023, under Section 363, 366, 34 IPC and Section 120-B, 506 of IPC and Section 8 of POCSO Act added later on, registered at Police Station Kotli Surat Mallian, Police District Batala, Gurdaspur.

The facts of the case are that complainant - Sukhpal Singh gave his statement to the police that he is father of the victim who is aged about 14 years and studying in 10th standard. On 07.01.2023, at about 05:30 P.M, his daughter went in the village to fetch milk but she did not return home. Thereafter, he started searching for her but could not locate her. He suspected Rahul for kidnapping his daughter with the intention to marry her. Gopi and Harjeet Kaur @ Jeeti also helped Rahul in the commission of this offence. With these allegations, present FIR was registered. The investigation was carried out. The victim was recovered on 08.01.2023. She was medically examined and her statement was recorded under Section 164 Cr.P.C. After completion of investigation, challan was presented

against the other accused, whereas, the present petitioner could not be arrested and his proclamation proceedings were initiated.

Learned counsel for the petitioner argued that he is falsely implicated in this case. He has not committed any offence. Rather, he was named by co-accused and the statement of that accused is not admissible. He is ready to join the investigation. The other co-accused Gurdial Singh @ Gopi, Harjeet Kaur @ Jeeti and Paramjit Singh @ Pamma were granted bail. He is ready to join the investigation as and when required. It is prayed that his anticipatory bail application may be allowed.

Bail application is opposed by learned counsel representing the State. He has placed on record the copy of challan report along with the statement of the victim, statement of her mother Rajwinder Kaur and uncle Mohan Singh. It is pointed out that the pistol used in the occurrence by Rahul came into the hands of the present petitioner which is yet to be recovered. There are serious allegations against him. It is prayed that his anticipatory bail application may be dismissed.

I have considered the arguments and have gone through the record. The perusal of statement given by the complainant indicates that the present petitioner was not named initially. I have also gone through the statement of victim recorded by the Magistrate dated 08.01.2023, where she nowhere named the present petitioner. In fact, the allegations are against Rahul. The present petitioner is ready to join the investigation. Considering the aforesaid facts, the anticipatory bail application filed by the petitioner – Ranbir Singh stands allowed. He be not arrested. In case of his arrest, he be released on bail to the satisfaction of Arresting/ Investigating Officer, subject to the conditions enshrined under Section 438 (2) Cr.P.C.

The petition is accordingly accepted.

(AMARJOT BHATTI)
JUDGE

13.04.2023
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No