

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

CRM-M No.33010 of 2023 (O&M)
DATE OF DECISION : 20.07.2023

Nishan Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ritesh Pandey, Advocate for the petitioner

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ALKA SARIN, J. (Oral):

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 (CrPC) for grant of anticipatory bail to the petitioner in FIR No.39 dated 24.06.2023 under Sections 363, 366 of the Indian Penal Code, 1860 (IPC) and Sections 376, 506, 120-B IPC and Sections 3, 4 of the Protection of Children from Sexual Offences Act, 2012 (added later on) registered at Police Station Kotli Surat Mallian, District Batala.

2. Notice of motion.

3. Mr. Adhiraj Singh, AAG Punjab accepts notice on behalf of the respondent-State of Punjab.

4. Learned counsel for the petitioner would contend that the petitioner is the father of the main accused and that he has been roped-in

only because the uncle of the prosecutrix is a police official. The learned counsel would further contend that had there been any truth in the version as alleged in the FIR that parents of the prosecutrix had asked the son of the petitioner to stay away from their daughter they would have brought it to the notice of the petitioner, however, no such effort was made and the petitioner has been falsely implicated in the case. It is further contended that the petitioner had no knowledge of the incident as he is an Army personnel and used to remain posted in the border areas.

5. A status-report has been filed by the learned counsel for the State way of affidavit of Ravinder Singh, PPS, Deputy Superintendent of Police, Special Branch and Criminal Intelligence, Batala with additional charge of Sub Division Dera Baba Nanak Police District Batala wherein it has been stated that after the statement of the prosecutrix was recorded under Section 164 CrPC the offences under Sections 376/120-B IPC and Section 4 of the POCSO Act were added and the parents of the main accused Arundeeep Singh alias Billa i.e. the present petitioner and his wife were nominated as accused. The allegation against the petitioner is that he and his wife had compelled the prosecutrix by saying that they would solemnize her marriage with their son and that they even met her in the school but the prosecutrix refused. There are specific allegations against the petitioner in the statement of the prosecutrix recorded under Section 164 CrPC. The learned counsel for the State, on instructions from SI-Bhupinder Singh, has stated that the main accused i.e. the son of the petitioner is still absconding.

6. Heard the learned counsel for the parties.

7. In the present case the daughter of the complainant i.e. the prosecutrix is 14 years of age. She, in her statement under Section 164 CrPC, has made specific allegations against the petitioner and his wife that they had compelled the prosecutrix by saying that they would solemnize her marriage with their son and that they even met her in the school but the prosecutrix refused. Petitioner’s son is alleged to have committed rape upon the prosecutrix and thereafter left her in the hotel. The son is also stated to be absconding. The allegations are of serious nature.

8. In view of the above, I do not find this to be a fit case for grant of anticipatory bail to the petitioner.

9. The petition is accordingly dismissed. Pending applications, if any, also stand disposed off.

20.07.2023
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
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