

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**103****CRM-M No.33101 of 2023****Date of Decision : 13.07.2023**

Mam Chand

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Dr. Amol Rattan Sidhu, Senior Advocate with
Mr. Pratham Sethi, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG Punjab.

ALKA SARIN, J. (Oral)

1. This is the first petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'CrPC') for grant of anticipatory bail to the petitioner in FIR No.56 dated 20.05.2023 under Sections 365, 367, 366A, 364A, 347 and 120-B of the Indian Penal Code, 1860 (for short 'IPC') registered at Police Station Sadar Patiala, District Patiala. Sections 376 and 506 IPC were added later on.

2. Learned counsel for the petitioner would contend that the petitioner has been falsely implicated in the present case and that in fact the petitioner is the person who helped the mother of the victim when she filed writ petitions before this Court for recovery of her daughter. It is further the contention that the petitioner helped the mother of the victim and Paramjit Kaur as they belong to same community i.e. *Bazigar*. The petitioner approached the Trial Court who, vide order dated 06.07.2023, dismissed the

application for grant of anticipatory bail to the petitioner on the ground that in the statement of the victim recorded under Section 164 CrPC the victim has named the petitioner herein and there are serious allegations of not only having made the victim habitual to some intoxicant but also having committed rape upon her and indulged her in immoral trafficking. Learned counsel for the petitioner would further contend that the petitioner is innocent and had actually helped Paramjit Kaur and mother of the victim when they approached this Court by way of writ petitions for recovery of the victim.

3. Learned State counsel has specifically pointed out that in the statement of the victim recorded under Section 164 CrPC specific allegations have been made against the petitioner herein. It is further contended that the victim in the present case is a minor girl who was abducted. Thereafter, the mother of the victim filed CRWP No.2863 of 2023 for issuance of a writ in the nature of habeas corpus for release of her minor daughter. Vide order dated 22.03.2023 a Warrant Officer was appointed. The minor girl could not be recovered by the Warrant Officer, however, she was subsequently recovered with the efforts made by her mother. It was brought to the notice of the Court, as has been recorded in order dated 22.03.2023, that the medical examination of the victim had not been conducted despite the serious nature of allegations. Vide order dated 13.04.2023 passed in CRWP No.2863 of 2023 directions were issued for conducting the medical examination of the minor girl and for recording of her statement before the competent Court. Subsequently, it has come in the order dated 18.04.2023 that the medical examination of the victim was conducted and FIR No.0039 dated 18.04.2023 under Sections 363, 366-A, 370, 376DA, 376(2)(n), 323,

328, 342, 345, 346, 109, 506 and 120-B IPC and Sections 4, 6 and 17 of the Protection of Children from Sexual Offences Act, 2012 was registered at Police Station Ghanaur, District Patiala and the said petition was disposed off vide order dated 18.04.2023. Thereafter, when the victim along with her mother and Paramjit Kaur was going to Police Station Ghanaur in connection with the investigation of FIR No.0039 dated 18.04.2023, she was once again abducted by the accused named in the FIR No.0039 dated 18.04.2023. Subsequently, the second writ petition being CRWP-4706-2023 was filed and the victim was rescued. Thereafter, the present FIR No.56 dated 20.05.2023 was registered at Police Station Sadar Patiala, District Patiala.

4. Heard.

5. The victim in her statement under Section 164 CrPC has made specific allegations against the petitioner wherein it has been stated that Paramjit Kaur wife of Ajmer Singh took the minor to her home where she was introduced to her brother-in-law Ajay and Rinku, Mam Chand alias Mam Singh (present petitioner) as well as her husband Bittu alias Ajmer Singh. It has further come in the statement that she was given some intoxicant and thereafter wrong acts were committed with her. Thereafter, Paramjit Kaur introduced her with Preet alias Pritpal Dass and Manpreet alias Goldy as also to her sons Sabbu and Jassi and all the above named accused committed wrong acts with the victim in the house of Paramjit Kaur. It has also come in the order of the Trial Court that a Special Investigating Team has been constituted in the present case.

6. Keeping in view the nature of allegations made against the petitioner, I do not find it to be a fit case for grant of anticipatory bail to the

petitioner under Section 438 CrPC. The present petition being devoid of any merits is dismissed. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

13.07.2023

jk

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