

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37177-2023 (O&M)
Date of decision : 01.08.2023

Krish ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. S.K. Liberhan, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, 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 (Sections 376 and 506 IPC were added later on) registered at Police Station Sadar Patiala, District Patiala.
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 was helping 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 has falsely been implicated in the case as the victim was involved in some case of looting and the petitioner had made videos of her.

3. Learned State counsel has specifically pointed out that the victim in her statement recorded under Section 164 CrPC has made categorical allegations against the petitioner i.e. of him having committed rape upon her. Learned State counsel has further pointed out that the FSL Report is awaited in the present case. Learned State counsel has also referred to the order dated 13.07.2023 passed by this Court in CRM-M-33101-2023 dismissing the petition for anticipatory bail filed by Mam Chand, one of the co-accused, as also to the order dated 03.07.2023 passed in CRM-M-31489-2023 whereby the petitioner therein - Paramjit Kaur @ Tannu - has withdrawn her petition for anticipatory bail and to the order dated 17.07.2023 passed in CRM-M-33596-2023 permitting the petitioner therein i.e. Manpreet Singh @ Goldy to withdraw his petition for grant of anticipatory bail.

4. Heard.

5. In the present case the victim in her statement under Section 164 CrPC has made a specific allegation against the petitioner that he has committed rape upon her. The petitioner was one of the persons introduced by the mother of the petitioner - Paramjit Kaur - who committed rape upon the victim. The allegations are that the victim who is a minor girl was initially abducted and 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, however, the minor girl could not be recovered by the Warrant Officer and she was subsequently recovered with the efforts made by the mother herself. It was brought to the notice of the Court, as also 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 been noted 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 petition was finally disposed off vide order dated 18.04.2023. Thereafter, when the victim along with her mother and Paramjit Kaur were going to Police Station Ghanaur in connection with the investigation of the said FIR, she was again abducted by the accused named in the FIR No.0039 dated 18.04.2023 and thereafter 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.

6. Keeping in view the serious nature of allegations made against the petitioner as well as the fact that the petitions for grant of anticipatory

CRM-M-37177-2023 (O&M)

-4-

bail to the co-accused already stand dismissed by this Court as also the fact that the victim in her statement under Section 164 CrPC has stated that the petitioner has committed rape upon her, 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.

01.08.2023

Yogesh Sharma

(ALKA SARIN)

JUDGE

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