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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44453-2022

Date of Decision:- 19.05.2023

Bikramjeet Singh alias Vikramjit Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Akbarjit Singh, Advocate
for the petitioner.

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

AMARJOT BHATTI, J. (Oral)

The petitioner – Bikramjeet Singh alias Vikramjit Singh has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 0026 dated 26.02.2022, under Section 376, 363, 366, 506 of IPC and Section 6 of POCSO Act, registered at Police Station Dina Nagar, Gurdaspur.

The facts of the case are that the prosecutrix gave her statement to the police that she is 17 years old. On 19.02.2022, she left the house on foot to celebrate the birthday of her friend at village Kunde Ferozepur. At about 12:00 P.M. when she reached near the cremation ground of village Channi, the accused Bikramjit Singh met her who came on motorcycle and asked about her destination. He assured to take her to village Kunde Ferozepur.

She sat on his motorcycle but despite her protest she was taken to Amritsar. He hired a room in hotel near Darbar Sahib, Amritsar. He committed rape with her forcibly. On 22.02.2022, he left her outside the village on his motorcycle and threatened her not to disclose about this occurrence to anyone. Ultimately, she went alongwith her father to police station and lodged the present FIR.

Learned counsel for the petitioner argued that the victim was 19 years of age at the time of alleged incident. She has levelled false allegations against the present petitioner. No such occurrence took place. Infact, the petitioner and the prosecutrix were having love affair and they have performed marriage on 12.04.2022 without the consent of the father of the prosecutrix. Thereafter, they approached the High Court seeking protection of their life and liberty and filed Criminal Writ Petition No. 3461 of 2022, which was decided vide order dated 18.04.2022, which is Annexure P-3. The petitioner has already joined the investigation and he is still ready to do so. It is prayed that his anticipatory bail application may be allowed.

The bail application is opposed by learned counsel representing the State. Detailed status report is also filed. It is pointed out that there are serious allegations against the present petitioner. However, in pursuance of the order of this Court, the petitioner has joined the investigation. As per the date of birth record, she was born on 04.03.2005 and her age was 16 years 11 months at the time of alleged incident. Therefore, considering the gravity of offence, the petitioner is not entitled to the concession of anticipatory bail.

I have considered the arguments and have gone through the record carefully. The arrest of the petitioner was stayed vide order dated

17.10.2022 and thereafter, he was also directed to join the investigation. In pursuance of this order, the petitioner has joined the investigation on 10.05.2023. There is copy of order dated 18.04.2022 in Criminal Writ Petition No. 3461 of 2022, according to which the prosecutrix and the present petitioner had performed marriage on 12.04.2022 and one marriage certificate was also relied upon by them. The present petitioner is still ready to abide by the terms and conditions of bail order. Considering the aforesaid facts, the anticipatory bail application filed by the petitioner – Bikramjeet Singh alias Vikramjit Singh is 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.

19.05.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No