

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46305-2023 (O&M)
Date of Decision : 15.09.2023

Suresh Chandra and AnotherPetitioners

VERSUS

State of HaryanaRespondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. I.S.Cooner, Advocate for the petitioners.

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ALKA SARIN, J. (Oral)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.248 dated 09.08.2023 under Sections 363, 366, 120-B of the Indian Penal Code, 1860 and Section 4 and 18 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Sector-5, Panchkula.
2. The brief facts relevant to the present case are that the complainant lodged a complaint that on 04.08.2023 her daughter (the victim), who is aged about 14 years and who used to do household work in a nearby locality, went to work but did not return. The complainant later came to know that her daughter (the victim) had eloped with the co-accused Gollu who had taken her on the pretext of marrying her. It is further alleged in the FIR that both the petitioners herein were well aware of this fact and that they had conspired with Gollu.

3. Learned counsel for the petitioners would contend that the main accused in the present case has been arrested and that the petitioners have no role to play in the present case and they are only the sister and brother-in-law of the main accused.

4. Notice of motion.

5. Ms. Mahima Yashpal, DAG Haryana, accepts notice on behalf of the respondent-State. The State counsel on instructions from PSI Sunita has stated that not only the petitioners herein were named in the FIR but they were also named by the victim in her statements recorded under Sections 161 and 164 CrPC and in her statement recorded before the Child Welfare Committee as well as the Legal Aid Counsel. Learned counsel for the State has further pointed out that the role attributed to the petitioners is that they had conspired with the co-accused Gollu and had helped him in enticing away the victim. It has also been stated that the first incident of rape occurred in the house of the petitioners. It is further the statement of the victim that it was at the behest of the petitioners herein that the co-accused took her to Himachal Pradesh and Uttar Pradesh and that all arrangements for stay at Himachal Pradesh and Uttar Pradesh were also made by the petitioners. The counsel for the State would further contend that the petitioners have a major role to play and were in cahoots with the co-accused Gollu and hence their custodial interrogation would be required.

6. I have heard the learned counsel for the parties.

7. In the present case the petitioners were named in the FIR by the complainant. The minor child in the present case is 14 years old. She was stated to have been enticed to run away from home by the co-accused alongwith the petitioners herein. The victim in her statements recorded under Sections 161 and 164 CrPC and before the Child Welfare Committee as well as the Legal Aid Counsel has clearly stated the role of the petitioners as being one of co-conspirators; secondly that the first incident of rape is also alleged to have taken place at their house; thirdly that they had made all the arrangement for the co-accused to take the victim to Himachal Pradesh and then to Uttar Pradesh.

8. Keeping in view the role attributed to the petitioners herein, I do not find this to be a fit case for grant of anticipatory bail to the petitioners. The petition is accordingly dismissed. Pending applications, if any also stand disposed off.

September 15, 2023
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(ALKA SARIN)
JUDGE

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