

CRM-M-58777-2022
Date of decision: 26.07.2023

VERSUS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI,J. (ORAL)

1. Petitioner is seeking anticipatory bail in the case bearing FIR No.150 dated 31.07.2022, under Sections 376/120-B IPC and Section 4 of POCSO Act, registered at Police Station Sadar Tarn Taran, District Tarn Taran.
2. Briefly, the FIR has been registered on the basis of the statement of the father of the victim alleging that the victim is aged about 16 and a half years has been kidnapped by the petitioner along with the co-accused, namely, Sunny and Aman Kaur on the pretext of solemnizing marriage with Sunny.
3. Learned counsel for the petitioner contends that the allegations with regard to commission of penetrative sexual assault have been attributed to Sunny, co-accused. Similarly placed co-accused, Aman Kaur has been found to be innocent during the course of investigation.
4. Learned State counsel has opposed the bail application on the score that the petitioner had facilitated the kidnapping of the victim and received a sum of Rs.20,000/- from Sunny, co-accused who had sexually exploited the victim. Furthermore, the petitioner has been declared as proclaimed offender in terms of

Order dated 16.12.2022. The victim has also specifically and categorically

implicated the petitioner in her statement recorded under Section 164 Cr.P.C.

5. It is significant to note that there are allegations to the effect that the petitioner had facilitated the kidnapping of the victim and she was taken to the house of the co-accused Sunny where she was subjected to repeated sexual intercourse. The petitioner had received a sum of Rs.20,000/- from Sunny, co-accused. Merely because Aman Kaur, co-accused has been found to be innocent cannot be construed to be a circumstance to conclude that the petitioner has been falsely implicated. Furthermore, the petitioner has been declared as proclaimed offender in terms of order dated 16.12.2022.

6. Keeping in view, the entire facts and circumstances, no extraordinary circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

7. In view of the above, the present petition is dismissed.

26.07.2023

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No