

302 (3 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42309-2022

Date of Decision:- 17.04.2023

HARPREET SINGH ALIAS BUGGI SINGH AND ANR.

....Petitioners

Vs.

STATE OF PUNJAB

...Respondent

(2)

CRM-M-58744-2022

Date of Decision:- 17.04.2023

KULDEEP SINGH AND ANR.

....Petitioners

Vs.

STATE OF PUNJAB

...Respondent

(3)

CRM-M-58779-2022

Date of Decision:- 17.04.2023

GURPREET SINGH

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Vaibhav Nagori, Advocate for Mr. Neeraj Madaan,
 Advocate for the petitioners in CRM-M-42309-2022.
 Mr. Gurinder Singh Hayer, Advocate for the petitioners
 in CRM-M-58744-2022 and CRM-M-58779-2022.
 Mr. Kunwarbir Singh, Assistant A.G. Punjab.

AMARJOT BHATTI, J. (Oral)

The petitioners Harpreet Singh @ Buggi Singh and Soma Bai @ Seema Bai (CRM-M-42309-2022); petitioners Kuldeep Singh and Seema Rani @ Paramjit Kaur (CRM-M-58744-2022); and petitioner Gurpreet Singh (CRM-M-58779-2022) have filed these petitions under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.141, dated 21.06.2022 under Sections 363, 366A of IPC and (Section 376 IPC and Section 6 of POCSO Act added later-on) registered at Police Station Dharamkot, District Moga. These bail applications have arisen out of the same FIR and are taken up together for disposal.

The facts of the case are that Gurnam Singh gave his statement to the police that on 18.06.2022 after taking meals, the entire family went to sleep. On 19.06.2022 when he woke up he saw that his elder daughter i.e. victim was not on her bed. Her age is mentioned as 17 years 10 months. He came to know that Gurpreet Singh kidnapped her by giving allurance of marriage with the consent of his father-Kuldeep Singh, mother-Seema Rani , paternal uncle Baggi Singh, his paternal aunt Soma Bai and his friend Gurwinder Singh. They tried to know the whereabouts of his daughter but could not locate her. Ultimately, the matter was reported to the police. The victim and the boy were recovered on 29.06.2022. The victim was handedover to her parents. Her statement was recorded under Section 164 Cr.P.C. and after completion of investigation, the challan was presented in the Court.

Learned counsel for the petitioners argued that they are being falsely involved in this case. In fact after attaining majority the said victim and Gurpreet Singh had performed marriage. The affidavit of said victim is

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Annexure P-2. Her date of birth is mentioned as 20.08.2004 and they performed marriage on 23.08.2022. The entire family has been falsely involved in this case. They have already joined the investigation. They are not required for any other purpose. Therefore, their anticipatory bail applications as referred above may be allowed.

The bail applications are opposed by learned counsel representing the State. Status report is also filed. It is argued that the accused persons could not be arrested and their proclamation proceedings were initiated. The challan in this case is presented on 31.08.2022. However, after filing of aforesaid anticipatory bail applications the petitioners have joined the investigation.

I have considered the arguments and have gone through the record. The petitioners Harpreet Singh and Soma Bai were granted ad interim bail vide order dated 15.09.2022 whereas the petitioners Kuldeep, Seema and Gurpreet Singh were granted ad interim bail vide order dated 16.12.2022. They have already joined the investigation. Challan is also presented. The trial of this case will take some time. The present petitioners are not required for any other purpose. Therefore, considering the aforesaid factual position the ad interim bail already granted in favour of the aforesaid petitioners stand confirmed subject to the conditions specified under Section 438 (2) Cr.P.C.

A copy of this order be placed on the file of connected cases.

17.04.2023

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Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No

(AMARJOT BHATTI)
JUDGE