

250 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-7921-2024
Date of decision: 30th May, 2024

Ravi Singh @ Ravi

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Umesh Aggarwal, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
125	24.04.2023	Sadar, Amritsar	363, 366, 376, 506 and 109 of IPC, 1860 and Sections 6 and 17 of Protection of the Children from Sexual Offences Act, 2012 (for short ‘POCSO Act, 2012’)

2. Brief facts of the case, relevant for the purpose of disposal of this petition are that the aforementioned FIR has been registered on the basis of statement recorded by complainant ‘A’ (name withheld) alleging therein that victim who was her 17 years old niece (name withheld), had been brought up by his family and had been staying with them. She was studying in 10+2 class in a local school. On the same day, she had left for her school at 8:00 AM but did not return. He had made search for her everywhere and



thereafter came to know that she had been enticed away by the accused Sunny on the pretext of performing marriage with him. Initially, a case under Sections 363 and 366 of Indian Penal Code, 1860 was registered. Investigation proceedings were initiated. Accused Sunny was arrested on 04.06.2023. He suffered disclosure statement during investigation admitting his involvement in the kidnapping/abduction of the victim and also disclosed that he had taken the victim to the house of his sister Mamta at village Dugalwal in an auto-rickshaw. His sister had forced the victim to wear *chura* (traditional bangles worn at the time of marriage by bride) and told that she had become their daughter-in-law. He also disclosed that victim had been sent with co-accused-Sunny by his sister to Ahmedabad on a train where they met the petitioner-Ravi who is brother of the accused and had stayed in a hotel room for two days wherein the accused Sunny sexually assaulted her. Offences under Sections 376 and 506 read with Section 109 of Indian Penal Code, 1860 and section 6 read with Section 17 of the POCSO Act were added later on. The petitioner was arrested on 04.06.2023. Investigation has since been completed and challan has been filed in the Court.

3. The present petition has been filed on the grounds and learned counsel for the petitioner has argued that he has been falsely implicated in this case. He was not named in the FIR. Though in her statement under Section 164 of Cr.P.C., the victim had stated that she along with co-accused had stayed at a hotel in Ahmedabad but she did not say that the said hotel-room had been arranged by the petitioner. The allegations as levelled against



him do not make out any case for commission of offence of kidnapping/abduction and criminal intimidation. There is nothing on record to show that petitioner has abetted the commission of offence of rape/aggravated penetrative sexual assault upon the victim by the co-accused. He is in custody since 04.06.2023. Investigation has since been completed. His custodial interrogation is not required. Trial is likely to take time. It is further argued that the co-accused Mamta has since been extended benefit of bail and on the ground of parity, he too deserves to be released on bail and the petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that there are serious and specific allegations against the petitioner. There are chances of petitioner's intimidating the victim who is yet to be examined. It is, therefore, argued that the present petition does not deserve to be allowed.

5. As per the allegations, the accused-Sunny who is brother of the present petitioner had taken the victim to the matrimonial house of his sister situated in Village Dugalwal, District Tarn Taran on 24.04.2023. She had subsequently been taken to Ahmedabad, wherein the petitioner facilitated stay of the victim and the co-accused Sunny. There is no allegation that the petitioner had a hand in kidnapping/abduction of the victim. The victim in her statement under Section 164 of Cr.P.C. did not say that there was any facilitation by the present petitioner for their stay in a hotel at Ahmedabad. It is also debatable as to whether he had abetted the commission of offence of rape upon the victim by the co-accused Sunny? He is in custody since 04.06.2023. Investigation has since been completed. Custodial interrogation

of the petitioner is not required. As such in the considered opinion of this Court, no useful purpose would be served by keeping the petitioner in custody anymore. Keeping in view the nature of allegations as levelled against the petitioner, period spent by him in custody and on the ground of parity, it is held that the petitioner deserves to be given concession of bail. Hence, the petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

7. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

30th May, 2024
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No