

CRM-M-33095-2023 -1-

232 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-33095-2023
Date of decision: 5th January, 2024

Nanak Singh ...Petitioner(s)
Versus
State of Punjab ...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ashok Kumar Khunger, Advocate for the petitioner(s).
Mr. M.S. Nagra, AAG, Punjab
for the respondent-State.

MANISHA BATRA, J (ORAL):-

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

FIR No.	Dated	Police Station	Sections
10	01.02.2023	Vairo Ke, District Fazilka	363, 366-A, 120-B IPC (offence under Section 376 of Indian Penal Code, 1860 and Section 4 of Prevention of Children from Sexual Offences Act, 2012 added vide DDR No. 24, dated 07.02.2023)

2. Brief facts relevant for the purpose of disposal of this case are that the aforementioned FIR was registered on the basis of complaint made by the complainant ‘V’ (name withheld) alleging therein that the victim who was his about fifteen years old sister studying in 9th Class, had gone missing from the house on the night of 30.01.2023. Search had been made for her and he suspected that she had been enticed away by the accused- Sukdev

Singh @ Sukha in connivance with his brother i.e. the petitioner on the pretext of solemnizing marriage with Sukhdev Singh. Investigation proceedings were initiated. During investigation, the victim was recovered. Her statement was recorded wherein she alleged that the accused Sukhdev Singh had taken her away and had committed rape upon her. She also alleged connivance of the present petitioner and his parents in the subject offences. Offences under Sections 376 of IPC and 4 of POCSO Act were added during the course of investigation. The petitioner was arrested 20.02.2023, co-accused was also arrested. The petitioner is facing trial for commission of offences. The petitioner had moved an application for regular bail before the learned Additional Sessions Judge, Fast Track, Special Court, POCSO which was dismissed, vide order dated 15.05.2023.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by the learned counsel for the petitioner that petitioner has been falsely implicated in this case and there is no allegation against him that he had committed any wrong act with the victim. He is in custody since 20.02.2023. Trial is likely to take time. He had no hand in the alleged abduction/kidnapping or rape of the victim. Therefore, it is argued that he deserves to be concession of bail.

4. *Per contra*, learned State counsel has argued that there are serious and specific allegations against the petitioner as he alongwith his brother i.e. co-accused had kidnapped the victim and had facilitated the commission of offence of rape/ aggravated penetrative sexual assault upon the minor prosecutrix. Not even in her statement recorded under Section 164 of Cr.P.C., but even in her sworn deposition as recorded in the Court, the

CRM-M-33095-2023 -3-

victim had disclosed about the involvement of the petitioner.

5. The allegations against the petitioner are serious in nature as in connivance with the co-accused, he kidnapped/abducted a minor girl out of the custody of her parents and facilitated the act of rape upon her by the co-accused. There is nothing on record to suggest that there would be any undue delay in conclusion of the trial. Keeping in view the nature of allegations as levelled against the petitioner, the quantum of the sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petition does not deserve to be allowed.

6. The petition is dismissed.

[MANISHA BATRA]
JUDGE

5th January, 2024
Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No