



288 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-35057-2023
Date of decision: 14th May, 2024

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

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. P.P. Tung, 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 FIR mentioned below:-

FIR No.	Date	Police Station	Sections
41	20.02.2022	Tripuri, District Patiala	363, 366-A, 376(2)(n) and 506 of Indian Penal Code, 1860 (for short 'IPC')

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant 'B' (name withheld) alleging therein that the prosecutrix 'R' (name withheld) is her minor daughter who had gone from her home to Gurdwara Sahib at about 4:00 PM on 18.02.2022, but did not come back. She kept on searching for her but could not find her. Then she had checked the CCTV cameras installed in the neighbourhood and found the petitioner while taking away the prosecutrix



with her. She alleged that previously the petitioner used to visit her house with one Ammi @ Amit Kumar but on noticing their act and conduct, she had restrained them from coming to her house from the last one year. On the basis of these allegations, initially a case under Sections 363 and 366-A of IPC was registered. Investigation proceedings were initiated. On 12.04.2022, the victim was recovered from the custody of the present petitioner while he was trying to run away towards the fields from his house along with the victim. The victim as well as accused were medically examined. Statement of the victim under Section 164 of Cr.P.C. was recorded. Offences under Sections 376 and 506 of IPC and Section 6 of POCSO Act were added during the course of investigation. After completion of necessary investigation and usual formalities, challan under Section 173 of Cr.P.C. was presented in the Court and presently, the petitioner is facing trial for the commission of the aforementioned offences. He had filed an application for grant of bail before the learned trial Court which was dismissed on 02.06.2023.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 12.04.2022. Infact, the victim and the petitioner were in relationship and they had performed marriage. The victim has been examined now. The trial is likely to take time. There is no question of his intimidating the victim and any other witness. Trial is likely to take time. His further detention would not serve any useful purpose. Therefore, it is argued that he deserves to be given benefit of bail.



4. Status report has been filed by the respondent-State. It is submitted therein that there are serious allegations against the petitioner. He not only enticed away the minor victim and he had kidnapped her from the lawful guardianship of her mother without her consent or knowledge by inducing her on the pretext of performing marriage with her but also repeatedly ravished her for a period of about two months. There is nothing on record to show that there would be any undue delay in conclusion of the trial. In her statement recorded under Section 164 of Cr.P.C., the prosecutrix had specifically stated that she was forcibly taken away by the petitioner to the house of the his friend Bhinder by inducing her and by making her stay with him. The petitioner had forcibly developed physical relations with her and had also physically assaulted her and clicked her obscene photographs. In her partly recorded sworn deposition, she reiterated the same allegations. It is argued that the cross-examination of the victim is yet to be conducted. There are chances of his fleeing and thwarting the course of justice, if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have enticed away the minor victim and kidnapped her on the pretext of marrying her. He is alleged to have taken her away without the consent of her mother. As per the allegations, the victim had been repeatedly ravished by the petitioner w.e.f. 18.02.2022 till



12.04.2022, when she was recovered from his custody. The DNA report is awaited. The allegations against the petitioner are serious in nature. There is nothing on record to show that there would be any undue delay in conclusion of the trial. In her statement recorded under Section 164 of Cr.P.C. as well as the statement as well as the statement partly examination recorded in chief before the learned trial Court, the prosecutrix is shown to have levelled specific allegations as against the petitioner of kidnapping/abducting her and repeatedly ravishing her. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the opinion that the petition does not deserve to be allowed, hence, the same is dismissed.

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

8. Since the main petition has been dismissed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

14th May, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |