



Sr. No.210

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-41436-2024
Date of decision: 23rd September 2024

SABAR CHAND AND ANRPetitioners

versus

STATE OF HARYANA AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. P.S. Jammu, Advocate
for the petitioners.

Mr. Kirpal Singh Thakur, AAG, Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant first petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case FIR No.88 dated 14.03.2024, under Sections 363, 366, 376(2), 376(3), 467, 468 read with Section 34 and 120-B IPC, 1860 and Sections 6, 17 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Sadar Sirsa, District Sirsa (Annexure P-1).

2. The present FIR has been registered at the instance of father of the prosecutrix with the allegations that on 11.03.2024, his minor daughter, who had gone to the fields to collect fodder, was enticed away by the petitioners.

3. Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case. The prosecutrix has been recovered and her statement has been recorded by the Legal Aid Counsel on 05.06.2024, wherein, no such allegations have been levelled against the petitioners.

4. On the other hand, learned State counsel has opposed the present petition on the ground of gravity of allegations levelled against the petitioners. As



per the status report, filed by way of an affidavit of Sh. Adarshdeep Singh, HPS, Deputy Superintendent of Police, City Sirsa, District Sirsa, the statement of an independent witness namely Mahabir was recorded under Section 161 Cr.P.C. (Annexure R-2), As per the said statement, his house was given on rent, wherein, accused Sulender @ Surendra lived along with his father-Sabar Chand (petitioner No.1), mother-Janki (petitioner No.2) and the minor prosecutrix.

5. I have heard the learned counsel for the parties and perused the relevant documents.
6. The minor victim, who is 15 years of age, went missing from her house on 11.03.2024 and she was recovered on 05.06.2024. As per the statement of the victim recorded under Section 164 Cr.P.C. (Annexure R-4), she was pregnant at that time. As per the statement of an independent witness namely Mahabir (Annexure R-2), the petitioners, who are the parents of co-accused Sulender, stayed in his house on rent along with the minor victim. There is a direct involvement of the petitioners in aiding their son (co-accused Sulender) to abduct the minor victim. There are serious allegations of penetrative sexual assault and the minor victim even became pregnant.
7. In view of the aforesaid facts and circumstances of the case, no ground is made out to release the petitioners on anticipatory bail.
8. Consequently, the present petition stands dismissed.
9. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

23rd September 2024
simran