



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

135

CRM-M-41472-2024 (O&M)
Date of Decision: 27.08.2024

BAGU ALIAS BAAG

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. R.S. Sidhu, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

HARPREET KAUR JEEWAN, J.

1. The instant first petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case FIR No.63 dated 22.04.2023, under Sections 342, 366, 376-D, 506, 201 IPC, 1860, and Section 4 of the POCSO Act, 2012 registered at Police Station Sarhali, District Tarn Taran.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case. There is a delay of 4 days in lodging the FIR. The father of the prosecutrix while appearing as PW-1 (Annexure P-2), the prosecutrix while appearing as PW-2 (Annexure P-3) and the mother of the prosecutrix while appearing as PW-3 (Annexure P-4) have not stated anything against the petitioner during the trial. He further contends



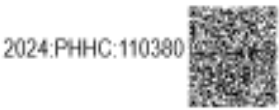
that the bail application of the petitioner has been dismissed by the Additional Sessions Judge, Tarn Taran without appreciating the facts on record. The petitioner is ready to join the investigation. He submits that the co-accused-Ali Sain @ Ranu has already been granted concession of regular bail by this Court vide order dated 10.01.2024 passed in CRM-M-65349-2023.

3. Learned State counsel has opposed the bail petition on the ground of gravity of allegations against the petitioner. Learned State counsel contends that the prosecutrix has named the petitioner in the FIR as well as in the statement recorded under Section 164 Cr.P.C.

4. I have heard learned counsel for the parties and perused the relevant documents.

5. The present case was registered at the instance of the prosecutrix herself, who has alleged that on the night of 18.04.2023, when she along with her family members went to sleep after taking dinner, then taking the advantage of the darkness, Ali-co-accused of the petitioner came to her house and she was taken to an unknown place in a car. The petitioner, who is brother of Ali along with 2-3 persons were also present at that time and they assisted the co-accused-Ali to forcibly taking the prosecutrix from there. As per the FIR, the co-accused-Ali committed rape upon the prosecutrix against her wishes and next day in the morning the prosecutrix was thrown outside her residence.

6. Learned State counsel has submitted copy of the statement of the prosecutrix recorded under Section 164 Cr.P.C. on 27.04.2023 and the same is taken on record. Though in the said statement, the prosecutrix has not levelled allegations of sexual abuse against the co-accused-Ali, however, she has supported her allegations that the petitioner along with co-accused had forcibly



taken her in a car on the said date. The age of the prosecutrix is recorded as 16 years in the statement recorded under Section 164 Cr.P.C.

7. Keeping in view the specific allegations against the petitioner in the FIR; in the statement of the prosecutrix recorded under Section 164 Cr.P.C. and considering the age of the victim, the petitioner is not entitled for concession of anticipatory bail.

8. Consequently, the petition stands dismissed.

9. It is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

10. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

27.08.2024
P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No