

Sr.No.102

2024:PHHC:002587

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58042-2023(O&M)

Date of decision:09.01.2024

Jasbir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: Hon'ble Ms. Justice Harpreet Kaur Jeewan

Present: Mr. Piyush Sharma, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

Harpreet Kaur Jeewan, J.

1. The present petition has been filed under Section 482 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.43 dated 04.04.2022, registered at Police Station Kulgari, District Ferozepur, under Sections 363, 366-A, 120-B Indian Penal Code, 1860, Section 4 Protection of Children from Sexual Offences Act, 2019, later on offence under Section 376, 506, 323 Indian Penal Code, 1860 have been added.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner is not named in the FIR. However, as per the case projected by the Investigating Agency, the daughter of the complainant was recovered and she suffered a statement under Section 164 Cr.P.C wherein she has alleged that one Surinder Singh had abducted the victim alongwith three other persons. The boys accompanying the said Surinder Singh dropped them near DMC Ludhiana where the accused namely, Manjit Singh and another person called "Mama" forcibly took her to High Court by putting her under fear and pressure and she was forced to sign

some papers before an advocate. During the investigation, supplementary statement of father of the victim vide DDR No.45 dated 22.04.2022 was recorded wherein Gurmeet Singh, Manjit Singh and one unknown person called "Mama" were nominated as accused in the present FIR. The petitioner is never known or addressed as "Mama" by anyone however, he is ready to join the investigation and undertakes to remain present as and when required by the Investigating Officer.

3. State has opposed the bail application by way of filing an affidavit of Sandeep Singh, PPS, Deputy Superintendent of Police (Rural) Ferozepur dated 13.12.2023 on behalf of respondent/State of Punjab alongwith the documents (Annexure R-1 and R-2), another status report was filed today by way of affidavit of Sandeep Singh, PPS, Deputy Superintendent of Police (Rural) Ferozepur dated 09.01.2024 on behalf of respondent/State of Punjab alongwith the documents (Annexure R-1 to R-3). Status report filed today is taken on record.

4. Learned State counsel contends that there are specific allegations against the petitioner that he has actively participated in the conspiracy hatched by his co-accused Surinder Singh and had forcibly ravished the victim against her wishes. Referring to the status reports, the State counsel contends that medical examination of the victim was conducted. The victim was taken to different places i.e. Amritsar, Ludhiana and Chandigarh. The father of the victim gave a statement that even a petition was filed before the High court vide CRWP No.3263 of 2022 showing that Surinder Singh and victim are having live in relationship. During this period Surinder Singh had forcibly developed physical relations with the victim. It is further alleged in the status report dated 13.12.2023 that co-accused Surinder Singh has already been convicted by Additional Sessions Judge,

Ferozepur vide judgment dated 28.04.2023. There are specific allegations leveled by the victim in her statement recorded under Section 164 Cr.P.C as well as when she appeared during trial which was conducted against the co-accused Surinder Singh that Jasbir Singh present petitioner who is also called “Mama” actively participated in the conspiracy hatched by Surinder Singh for taking the victim to Chandigarh and thereafter, assisting Surinder Singh (presently convicted) who had forcibly ravished her against her wishes. In the Status report dated 09.01.2024 it was clarified that the statement of the co-accused Surinder Singh was recorded by DSP(D) Ferozepur by visiting the Jail wherein he has categorically stated about the role attributed to the present petitioner and the assistance rendered by him for taking the minor victim to High Court where Advocate Kamal Kapoor prepared papers for marriage and filed a protection petition in the High Court. Learned State counsel further contends that the proceedings to declare the present petitioner as proclaimed person has already been initiated and the matter is pending before the Judicial Magistrate, Ist Class, Ferozepur for 31.01.2024 for awaiting the presence of the petitioner.

5. I have considered the aforesaid contentions. The age of victim was 16 years and 8 months and she has alleged that she was taken away while returning from school to home on a school van. As per the prosecution case when victim alighted from the school van she was taken away by 5 persons on a car and she was taken away to an unknown place on the pretext of marriage. After the minor victim was recovered and produced before the Judicial Magistrate, she has leveled categorical allegations against the present petitioner in her statement under Section 164 Cr.P.C as well as in her statement recorded during the trial conducted against the co-accused of the petitioner namely, Surinder Singh. In view of specific

allegations against the petitioner and keeping in view the fact that an offence under Section 4 of the POCSO Act is heinous in nature, this Court is of the considered opinion that petitioner is not entitled to the concession of bail under Section 438 Cr.P.C. As such the present petition has no merits and is accordingly dismissed.

6. Pending application(s), if any, shall also stand disposed of.

9th January, 2024
Shivani Kaushik

[HARPREET KAUR JEEWAN]
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No