

218 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-62423-2023
Date of decision: 1st March, 2024

Sajan Singh @ Commando

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. R.S. Bal, 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.	Police Station	Sections
141	Khalra, District Tarn Taran	363, 366-A, 120-B, 376-D, 511 of Indian Penal Code, 1860 (for short ‘IPC’) and Sections 8 and 18 of the Protection of Children from Sexual Offences Act, 2012 (for short ‘POCSO’) and Sections 366 and 343 of IPC (added later on)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded on 10.11.2020 by the complainant ‘J’ (name withheld) alleging therein that the victim ‘S’ (name withheld) who was his 14-15 years old niece had gone missing from her house on the night of 08.11.2020. He

suspected that she had been enticed away by accused Ranjit Singh @ Rana in connivance with his friend Sajan Singh @ Commando-petitioner with an intent to perform marriage with the accused Ranjeet Singh. On the basis of his statement, initially a case under Sections 363, 366-A of IPC was registered. Investigation proceedings were initiated. During investigation, the petitioner was arrested on 11.11.2020. He was interrogated and suffered disclosure statement admitting his involvement in the kidnapping of the victim and got recovered the motorcycle used at the time of commission of subject offences. However, when he was being produced before the Court of Illaqa Magistrate, he escaped from the custody of the police and a separate case bearing FIR No. 261 dated 11.11.2020 was registered against him under Section 223 and 224 of IPC.

3. The victim was recovered on 09.11.2020. She was medically examined. Her statement under Section 164 of Cr.P.C. was recorded wherein, she stated that on 08.11.2020, the accused Ramni Mota, Rana and the present petitioner had forcibly taken her outside on their motorcycle. She had been extended threats on the way and was told that she would be sold by them for a sum of ₹ 3,00,000/-. They tried to commit rape upon her but could not succeed as she did not let that happen. On the next day, her maternal uncle had reached at the place where she was confined and had taken her back. Offences under Sections 376-D read with Section 511 of IPC and 120-B of IPC and Sections 8 and 18 of POCSO Act were added. The accused Baljeet Kaur @ Pinki was arrested on 20.11.2020. Offences under Sections 366 and 342 were also added. After completion of necessary

investigation and usual formalities, challan under Section 173 of Cr.P.C. was presented before the learned trial Court as against the accused Baljeet Kaur @ Pinki and case was committed to the Court of Sessions.

4. The petitioner was apprehended and arrested again on 18.02.2021. His medical examination was got conducted. After completion of investigation, supplementary challan was presented against him and now he is also facing trial for the commission of the abovementioned offences. The co-accused Mahavir Singh @ Mota was apprehended subsequently, whereas, two of the accused namely Ranjit Singh @ Rana and Ramandeep Singh @ Rammi were declared proclaimed persons. The petitioner had moved an application for grant of bail which was dismissed vide order dated 13.07.2021.

5. 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 did not commit the subject offences. He is in custody since 18.02.2021. His custodial interrogation is no more required. Prosecutrix was not recovered from his custody rather she was recovered from Amritsar. The statements of the prosecutrix were contradictory at different stages and falsified her version qua involvement of the petitioner in the subject crime. Therefore, it is argued that the petition deserves to be allowed.

6. The pleas as taken by the petitioner have been resisted by the respondent-State in terms of the status report. It has been argued by State counsel that there are specific and serious allegations against the petitioner.

He was named in the FIR alongwith the other accused. The medico legal

report of the prosecutrix showed that the possibility of her being subjected to sexual intercourse could not be ruled out. No doubt, no DNA was detected on the clothing of the prosecutrix but that fact itself was not sufficient to exonerate the petitioner from the allegations as levelled against him. The trial is going at a fast pace and there is nothing to suggest that there would be any undue delay in conclusion of the same. It is also submitted that the petitioner had absconded earlier and there are chances of his fleeing again, if extended benefit of bail. Hence, it is argued that the petition does not deserve to be allowed.

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

8. The petitioner alongwith co-accused is alleged to have kidnapped the minor victim out of lawful guardianship of her parents and is further alleged to have made an attempt to commit rape upon the victim alongwith the co-accused. He is also alleged to have abetted the co-accused to commit the offences of kidnapping/abduction of the prosecutrix as well as committing rape upon her. He was named in the FIR. The allegations against the petitioner are serious in nature. In her statement recorded under Section 164 of Cr.P.C. as well as before the learned trial Court, the victim is shown to have not only taken his name but is also shown to have attributed specific overt act of kidnapping/abducting her by the petitioner alongwith co-accused. She also alleged that the petitioner alongwith co-accused tried to commit rape upon her. Keeping in view the gravity of offences, alleged to

have been committed by the petitioner and fact that he had absconded earlier also, the quantum of 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 at this stage. Hence, the same is dismissed.

9. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
10. Since the main petition has been dismissed, pending application if any is rendered infructuous.

[MANISHA BATRA]

JUDGE

1st March, 2024

Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No