

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.105

CRM-M-62981-2023(O&M)

Date of decision : 08.01.2024

Gagandeep Singh @ Gagan @ Sukhi

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

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

HARPREET KAUR JEEWAN, J. (Oral)

CRM-149-2024

The application is allowed as prayed for.

Copy of statement of the victim recorded under Section 164

Cr.P.C. as Annexure P-3 is taken on record subject to all just exceptions.

CRM-M-62981-2023

The present petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.129 dated 28.08.2023 under Sections 363 & 366-A IPC registered at Police Station Bullowal, District Hoshiarpur.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. In fact, the petitioner and the daughter of the complainant were having love affair and they wanted to marry each other. On 28.08.2023, the victim herself left her house and came to the house of her relatives and on 03.09.2023, a compromise has been effected between the parties and the victim was handed over to her father at whose instance the FIR was registered. Again on 09.10.2023, the victim

came to the house of the petitioner. However, the victim was handed over to the parents with the intervention of the panchayat. She was initially sent to the Nari Niketan and her statement under Section 164 Cr.P.C. has also been recorded and now, she is living with her parents.

Notice of motion.

Ms. Himani Arora, AAG, Punjab, accepts notice on behalf of the respondent-State and she confirms this fact that the statement of the prosecutrix under Section 164 Cr.P.C. (Annexure P-3) has been recorded by the CJM, Hoshiarpur. However, the bail application was opposed on the ground that the victim is minor whose age is 17 years.

A perusal of the statement of the victim recorded under Section 164 Cr.P.C. (Annexure P-3) indicate that she has not leveled any allegations against the petitioner rather she has leveled allegations against her parents and her relatives for giving beatings to her. The said statement (Annexure P-3) reads as under:-

“Earlier I had gone alongwith Gagan. I was left at my house by the panchayat members. My parents did not keep me. I was disinherited. My maternal aunt took me alongwith her to her parental house, her case is going on. I lived there for one month. I had gone with Gagan earlier with my own wish. My maternal aunt used to beat me a lot. I was given one time meal. When I used to demand meal then she used to beat me more. Thereafter, I went to the house of my friend at village Baghiari. When I went to the house of my friend then her family handed over to the panchayat. One panchayat member made a phone call to the sarpanch of my village. They came at village Baghiari' alongwith panchayat. My maternal aunt, my brother and father came alongwith them. I was beaten up in the

presence of both the panchayat members. Thereafter the panchayat of village Baghiari, made a phone call to the police. The police took me to the police station. I just want to live in the house of Gagan. His parents are good, my parents are not... Madam see, how I was given beatings, nails signs are there. How can I live with them. They used to say that they will kill me and throw on the road. They used to say to the panchayat that they will perform my marriage after one month. I just want to go to the house of Gagan and not to my house. I don't want to go to Nari Niketan.”

It is also not disputed that the prosecutrix is a student of 10+2. She has refused for her medical examination, so, keeping in view the totality of the circumstances and the statement made by the prosecutrix under Section 164 Cr.P.C, it is a fit case where concession of pre-arrest bail can be granted to the petitioner.

As such, the present application is allowed with the following conditions:-

1. Petitioner shall join investigation within one week from today and in the event of arrest, he shall be released on interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/SHO/Ilaqa Magistrate.
2. Petitioner shall make himself available for interrogation by a police officer as and when required and cooperate therewith.
3. Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer. That the petitioner shall not leave India without the prior permission of the Trial Court/CJM concerned.

In case, the petitioner could not comply with the aforesaid conditions, the State shall at liberty to file application for cancellation of this order.

(HARPREET KAUR JEEWAN)
JUDGE

08.01.2024
Ramandeep Singh

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