

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-65126-2023 (O&M)
Reserved on:07.03.2024
Pronounced on:22.03.2024

JOGINDER SINGH

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

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

Present:- Mr. S.K. Verma Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.213 dated 01.11.2023 registered under Sections 328, 365 IPC (Sections 354-A, 376 (3), 376 (D), 120-B, 506 IPC and Sections 6/12/18 of the POCSO Act, 2012 added later on) at Police Station Baragudha, District Sirsa.
2. As per the prosecution case, on 31.10.2023 at about 07:10 a.m., the minor victim aged about 15 years left her house for going to school. She was going towards the stop from where she used to board her school van. On the way, she was kidnapped by two accused on a motorcycle by putting handkerchief on her face. Resultantly, she became unconscious and when she regained consciousness, she found herself lying on a cemented bench. She

started walking and felt dizzy. After walking a distance of 15-20 minutes, she took a lift from a motorcyclist, who dropped her to village Chhatteria where she found that her father was coming from the side of Dhani. However the motorcyclist took her towards village Chhatteria and dropped her there. She narrated the whole incident to her father who also came there and thereafter the matter was reported to the police on 01.11.2023.

3. As per the status report filed on behalf of respondent-State, during the investigation, the CCTVs installed in the villages were checked and it was found that co-accused-Jaspreet Singh and the petitioner along with the victim were seen riding the motorcycle when they came to the village in evening for dropping the victim. It is further mentioned that the victim was threatened that the accused will commit murder of her brother, in case she raised alarm. Thereafter the victim was taken to Hotel Sirsa City INN, where accused-Jaspreet committed rape upon the victim and the petitioner was deputed to keep watch on the activities. Thereafter, the custody of the victim was handed over to co-accused Prince and Gaurav. At about 04:00 PM, the petitioner along with co-accused-Joginder Singh took the victim on their motorcycle and dropped her outside the village Chhatteria.

4. Learned counsel for the petitioner contends that the petitioner is neither named in the FIR nor any role has been attributed to the petitioner regarding sexual abuse or molestation of the prosecutrix. The petitioner has been falsely dragged in the present case. The prosecutrix has changed her version and there are different versions in the FIR as well as in the statement recorded under Section 161 Cr.P.C and under Section 164 Cr.P.C. He submits that the petitioner is ready to join the investigation.

5. Learned counsel appearing on behalf of the respondent-State has opposed the bail petition on the ground of gravity of allegations levelled against the petitioner.
6. I have considered the aforesaid contentions. The petitioner is seeking anticipatory bail under Section 438 Cr.P.C., which is discretionary in nature and the said discretion has been exercised judiciously. The prosecutrix is a minor girl aged about 15 years. As per the prosecution case, she was abducted by 2 accused on a motorcycle. The identity of the petitioner has been established by way of CCTV footage. It is further alleged that the petitioner was keeping a watch and assisted the co-accused while he committed rape with the minor victim. There is involvement of other two accused as well.
7. Considering the allegations levelled against the petitioner which are serious in nature, no ground is made out to exercise jurisdiction under Section 438 Cr.P.C.
8. Consequently, the present petition is dismissed.
9. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

22.03.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No