

Harpreet Singh vs. State of Punjab.

Registration No.2317/2020.
CNR No.PBSG01-005039-2020.

F.I.R. No. 187 dated 10.07.2020.
Under Sections 363/366-A/354/34 IPC.
Police Station: City Sunam.

Bail application under Section 438 of Cr.P.C.

Present: Sh. Ashwani Chaudhary Advocate, Counsel for the
applicant.
Sh.Navdeep Goyal Addl. PP for the State.

ORDER:

1. The applicant Harpreet Singh has filed the present pre-arrest bail ,
in F.I.R. No.187 dated 10.07.2020, under Section 363/366-A/354/34 of
IPC, Police Station City Sunam.
2. Notice of the application was issued to the State and record
has been requisitioned.
3. The learned counsel for the applicant submitted that the
whole story has been concocted only to falsely implicate the present
applicant and her son. It has been submitted by the counsel that as per the
FIR version prosecutrix did not return to her home on 02.07.2020 and the
parents kept searching for the girl. Where as the FIR is registered on
10.07.2020 surprisingly no application/missing report has been made
before the police officials for these 8 days. Rather when the girl was
rescued, the complainant got registered an FIR. Even the story framed in

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the FIR is completely baseless as it is highly improbable that a son will commit any obscene act in front of his mother. Even the places from where it has been alleged that the present applicant and her son have kidnapped prosecutrix when she was going to the shop of her father, it is highly improbable that from such a busy place/thoroughfare prosecutrix can be kidnapped and again prosecutrix did not raise any hue and cry. The motive is that the son of the present applicant and the prosecutrix have close bonding and the parents of the prosecutrix were against the said friendship and out of vengeance the present applicant has been roped in the present case. There is no purpose for which the custodial interrogation of the present applicant is required.

4. The Ldd APP for the State has contested the bail application on the ground that serious offences have even leveled against the present applicant and the statement of the prosecutrix under Section 164 Cr.P.C has been got recorded wherein she has stated that she was restrained by Harpreet Singh (present applicant) when she was going to shop in her father and Harpreet Singh (present applicant) expressed his intention to marry her. When the prosecutrix has rejected the proposal then Harpreet Singh forcibly made her sit in the car which was driven by his brother and even the mother of Harpreet Singh was also sitting in the car. She has also suffered the statement that in the car Harpreet Singh(present applicant) did committed obscene act in the Car and thereafter, they have wrongfully confined her to one room and had also subjected her to

beating. When the prosecutrix have refused to accept the proposal of Harpreet Singh then elder brother of Harpreet Singh had proposed to sell her further. On her cries, she was rescued by one neighbourer from whose mobile phone she called up her mother. Seeing the gravity of offence no ground is made out to grant the relief of anticipatory bail.

5. As per the prosecution version, Muni Ram complainant alleged that his youngest daughter Preeti aged 17 years came to vegetable market, Sunam at 10:00 Am on 02.07.2020 but when she did not return home, they were searching for his daughter Preeti Rani and today he has received a call from some unknown number by Preet Rani who informed them that she has lured by Charanjit Kaur, his son Harpreet Singh on false pretext of marriage in their car and they took her to village Mandi Kalan. After receiving the telephonic call complainant along with his brother Popa Singh, son-in-law Neeraj reached Village Mandi Kalan and where he found his daughter alone in the house and thereafter, his daughter narrated the whole incident that on the pretext of marriage Charanjit Kaur and Harpreet Singh has taken the prosecutrix in car and there they outrage her modesty.

6. Heard. Record perused. From the perusal of the record it transpires that complainant has alleged that his daughter has been kidnapped from the lawful guardianship of the complainant and she was induced to go from her parental home and was compelled for marriage by the present applicant. The counsel for the applicant submitted that since

the parents of the prosecutrix were against the close bonding between the prosecutrix and son of the applicant, so she has been falsely roped in the present case. The counsel for the bail applicant has espoused that the whole version of the FIR is concocted one as it is highly improbable that prosecutrix can be abducted from a busy place of vegetable market, Sunam and even it is highly improbable that son will try to outrage modesty of the prosecutrix in front of his mother and elder brother. The veracity of the allegations are yet to be ascertained the criminal culpability would be adjudicated at the time of the trial. The applicant is ready to join the investigation. The veracity of the allegations are yet to be ascertained. Since the present applicant is child in conflict with law, the Court can not impose conditions which are violative of or not in conformity with the provisions of the Act. The court can not impose conditions which are against the object and spirit of the Act. The prosecution has no case that release of the applicant is likely to bring him into association with any known criminal or that his release would defeat the ends of justice. In these circumstances, this Court find that the applicant can be granted the benefit of anticipatory bail.

In view of the above said observations, the applicant shall be released on bail on execution of a bond for Rs. 30,000/- with two sureties, who shall be his parents or other close relatives, in the event of his apprehension/arrest by the police. The applicant shall appear before the Juvenile Justice Board concerned as and when he is called upon to do so.

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If need be, the Investigating Officer can call at any appropriate place outside the police station.

Police record be returned. File be consigned to the record room.

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Pronounced in open court on 18.08.2020.

Kulwant Singh Stenographer-1.

Smriti Dhir
Additional Sessions Judge/
Duty Officer,
Sangrur. (UID No.PB0518).

Smriti Dhir
ASJ/Duty Officer, Sangrur, 18.08.2020.