

inder Pal Singh Vs. State of H.P.

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Court : Himachal Pradesh

Decided On : Nov-09-2012

Judge : Kuldip Singh

Appeal No. : Criminal M.P. (M) No. 1048 of 2012

Appellant : inder Pal Singh

Respondent : State of H.P.

Judgement :

Oral Kuldip Singh, J.

1. This is an application under Section 439 Cr.P.C. for releasing the petitioner on bail in FIR No.90/12 dated 22.7.2012, registered at Police Station, Kumarsain for offences punishable under Sections 363, 366A, 376, 382, 201/34 IPC and 3, 4, 5 of Immoral Traffic (Prevention) Act, 1956.

2. It has been stated that petitioner has been falsely implicated in the case. The investigation in the case is complete and *challan* has already been submitted in the Court. The further custody of the petitioner will not advance the cause of the justice. The petitioner was arrested on 22.07.2012 and since then he is in custody. The petitioner is ready to furnish bail bonds. The petitioner earlier moved bail application which has been dismissed by learned Sessions Judge, Rampur Bushahr on 9.10.2012. The submission has been made for releasing the petitioner

on bail.

3. The status report has been filed. It has been stated that case has been registered on the statement of victim under Section 154 Cr.P.C. The learned Addl. Advocate General has stated that there are in all eight accused. Mohinder Singh, Anshul Kainthla, and Naresh Kumar have been released on bail by learned Sessions Judge, Rampur Bushahr. Anil Kumar has been released on bail by the High Court in Cr.MP(M) No.691 of 2012 on 2.8.2012. The petitioner and Saria Tamang, Sushma Tamang, Santogi Kami accused are in judicial custody.

4. In the states report, it has been stated that date of birth of the victim is 20.10.1997 and on the date of incident she was 14 years 9 months and 10 days of age. The victim has been handed over to her parents. It has come in the investigation that on 16.7.2012, Santogi Kami and on 19.7.2012 Sarla Tamang stayed in Jemni Guest House, Dhalli, Shimla alongwith victim and Sushma. On 20.7.2012 two rooms were booked in the name of petitioner in Gajjal Restaurant where Sarla Tamang, Sushma Tamang, Santogi Kami and Inder Pal were stayed.

5. Sarla Tamang brought victim from Delhi through Seema on the plea that victim would be sent to Chandigarh for looking after children in a Kothi but Sarla Tamang and Sushma brought victim to Shimla where petitioner met them, he arranged taxi through Naresh Kumar. Sarla Tamang and Inder Pal in connivance with each other went to place Tanu Jubbad where taxi driver committed sexual intercourse with victim and they got concession of Rs.1,000 in taxi fare. At Thana Dhar, the victim stayed in the Rest House with the help of Anshul Kainthla and Mohinder Singh without entry to this effect. Both of them committed forcible sexual intercourse with victim, Sarla Tamang and petitioner charged Rs.1,500 from them for the sexual intercourse. The recovery of Rs.4,100 was made from Sarla Tamang.

6. On 21.7.2012 Sarla Tamang and petitioner at Bithal arranged a room for illicit sexual intercourse with victim ran away from there. At Bithal in the Guest House of Anil Kumar alias Hunny, Sarla Tamang, Santogi Kami and Sushma forced the victim to have sexual intercourse with unknown persons on payment. The victim was forced to prostitution. It has been stated that on completion of investigation

challan has been submitted in the Court on 19.9.2012 but charge has not yet been framed. In the event of bail to the petitioner there is likelihood of petitioner influencing the prosecution witnesses. The submission has been made for rejection of the bail application.

7. Heard and perused the record. There are in all eight accused as per the prosecution. The date of birth of the victim is 20.10.1997. On the date of incident her age was 14 years 9 months and 10 days. The allegations against the petitioner are that he in connivance with other accused forced the victim to prostitution. The petitioner and some other accused charged from persons money for sexual intercourse which they committed with the victim. The allegations against the petitioner are serious. The victim was of tender age when she was forced to prostitution in an area which was not known to her.

8. The victim was stranger. She was brought from Delhi on the pretext to take care of children in a kothi at Chandigarh but instead of providing her shelter as promised at Chandigarh, the victim was brought around Shimla where she was ravished by several persons and the money was charged by petitioner and some other accused. No doubt some accused have been released on bail but allegations against petitioner are distinct and he cannot take benefit of bail granted to some accused. The bail application of the petitioner has already been rejected on 9.10.2012 by learned Sessions Judge, Rampur Bushahr. The petitioner is not entitled to bail, hence petition is dismissed.

9. The observations made in the judgment are for disposal of the bail application and it shall not be construed as expression of opinion on the merits of the case.

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