

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

Crl. Misc. No.M-39164 of 2015

Date of Decision: 19.11.2015

Sukhwant Singh @ Lakha

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. Shiv Charan Bhola, Advocate
for the petitioner.

DAYA CHAUDHARY, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C for issuance of a direction to the Arresting Officer to release the petitioner on bail in the event of his arrest in case FIR No.162 dated 10.10.2015 for offence under Section 354 IPC and Section 12 of the POCSO Act, registered at Police Station Kurali, District SAS Nagar, Mohali.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case by the complainant. The petitioner saw Harjinder Kaur, daughter of Ranbir Singh with Gurpreet Singh @ Goldy and he asked the complainant to tell about this to her parents. Said Gurpreet Singh @ Goldy has given an affidavit that no such occurrence has taken place and the FIR has wrongly been lodged.

On perusal of allegations in the FIR, it appears that said Gurpreet Singh @ Goldy was not with the complainant as the sister of the

complainant was also with her. Learned counsel for the petitioner has not been able to tell as to what was the reason to falsely implicate the petitioner. Nothing is mentioned in the FIR as to whether said Gurpreet Singh @ Goldy was present at that particular time at the place of occurrence and as such, the affidavit filed by him cannot be relied upon at this stage.

Keeping in view the allegations, no ground is made out to grant anticipatory bail to the petitioner and the petition is accordingly dismissed.

However, the petitioner may surrender before the trial Court and in case, he moves an application for regular bail, the trial Court is directed to consider the same and pass necessary orders in accordance with law within a period of two weeks from the date of receipt of certified copy of this order.

19.11.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE