

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-34386 of 2016

Date of decision : 30.09.2016

Sukhwinder Singh @ Pamma

... Petitioner

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. S.P.S. Tinna, Advocate
for the petitioner

Mr. V.P.S. Sidhu, AAG Punjab

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking regular bail in FIR No. 62 dated 30.04.2015 registered at Police Station Baghapurana, District Moga under Sections 302, 307, 354, 120-B IPC, Section 3 of SC/ST Act and Section 8 of POCSO Act.

Chhinder Kaur along with her two children had boarded bus from Moga. She had levelled allegations that a clean shaved person along with the conductor of the bus were talking with each other. She paid Rs. 100/- for tickets but the conductor demanded Rs. 10/- more. The complainant was issued only two tickets. The bus stopped at toll tax barrier. A little distance away one more person entered the bus. The allegations are that those three persons started obscene acts with her daughter who was 13 years old. The complainant stepped into to save her daughter but she was also harassed. After the bus had crossed village Gill the persons pushed out her daughter from the bus. The complainant was also thrown out from the bus. The complainant had alleged that the bus was owned by Orbit Company. The registration number of the bus was also given.

The petitioner approached this Court with a bail application which was heard and since the Court was not inclined to grant bail, counsel for the petitioner had withdrawn the petition on 25.05.2016. At that stage five witnesses had been examined and they had not supported the prosecution version. The petitioner has again approached this Court with this petitioner after one more private witnesses has been examined.

Learned counsel for the petitioner states that there is a change in the

circumstances and some more witnesses have been examined and as per his instructions all the private witnesses have been examined and all the witnesses have turned hostile.

Learned State counsel submits that Akshdeep brother of the victim has made a statement reiterating the incident that had happened in the bus and he had also stated that they had suffered injuries but he could not identify the assailants.

Learned counsel for the petitioner has urged that on the basis of statement given by the witnesses the fate of the trial is known.

The copy of the challan is not available nor merits of the case are to be gone into. The complainant has given details of the vehicle which was involved. The police would have taken the bus into their custody and all the evidences would have been collected by the police. The prosecution had cited 41 witnesses and only 16 witnesses have been examined. The petitioners are connected with persons who are in power. They would make an attempt to tamper with evidence and exert influence even on the official witnesses.

No case for bail is made out.

The petition is dismissed.

September 30, 2016
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(ANITA CHAUDHARY)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No