

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-43172 of 2015

DATE OF DECISION: 07.01.2016

Navdeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper may be allowed to see 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. Avnish Mittal, Advocate
for the petitioner.

Mrs. Ritu Punj, Addl. A.G., Punjab.

Mr. A.S. Dhaliwal, Advocate
for the complainant.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 198 dated 20.11.2015 registered under Section 354 (A) (1), 354 (c), 506 IPC and Section 8 of Protection of Children from Sexual Offence Act, 2012 at Police Station City South Moga, District Moga.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case for extraneous consideration. The complainant was being treated just like his sister by the petitioner as she was residing in the same locality. The complainant was having extramarital

relation with cousin of the petitioner and when this relation came to his notice, he has been implicated in this case, whereas, no offence is made out against him. Learned counsel further submits that the petitioner is a student of engineering and his career will be ruined because of this false accusation. The petitioner is ready to cooperate with the investigation and to abide by all the terms and conditions to be imposed by this Court or by the investigating officer.

Learned counsel for the respondent-State opposes grant of bail to the petitioner on the ground of seriousness of offence as the allegation against him is that he had done unnatural act with the daughter of the complainant. Learned counsel also contends that the complainant being mother of the victim would not like to falsely implicate her own daughter, who is only 10-11 years of age.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR.

The FIR has been registered by Navdeep Kaur, mother of the victim, who is only 10-11 years of age, wherein, specific allegations have been levelled against the petitioner and it cannot be said that due to ulterior motive, he has been implicated in this case as the complainant would not like to implicate her minor daughter in such like offence. Moreover, the victim is of such a tender age and chances are bleak that she will tell lie to her mother for any other reason. The victim is also present in the Court and she has been asked regarding the incident while calling on the desk. She has narrated whole of the incident and there is no reason to disbelieve her version.

Moreover, while issuing notice of motion only because of the examination of the petitioner, it was directed that no coercive method will be adopted against him till the next date of hearing.

Keeping in view the nature of offence, specific allegations against the petitioner and age of the victim, no ground is made out to grant anticipatory bail to him and the petition being devoid of any merit is hereby dismissed.

January 07, 2016
pooja

(DAYA CHAUDHARY)
JUDGE