

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

Crl. Misc. M-27266 of 2017 (O&M)
Date of Decision: August 08, 2017

Navdeep Singh alias Navi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. B.S. Sodhi, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.198 dated 20.11.2015, under Sections 354(A)(1), 354(C), 506 of Indian Penal Code and Section 8 of POCSO Act (Section 376 IPC added later on) registered at Police Station City South Moga, District Moga.

Learned counsel for the petitioner argues that the petitioner has been falsely implicated in the present case and the allegations levelled by the complainant are false. It is contended that the FIR is a blackmailing tactic, just to extort money from the petitioner. It is submitted that earlier due to non-presentation of challan within the stipulated period, the petitioner was granted default bail under Section 167(2) Cr.P.C. It is also contended that offence under Section 376 of IPC is not made out against the

petitioner, therefore, he is entitled to grant of concession of anticipatory bail.

I have heard learned counsel for the petitioner.

Initially, the FIR has been registered under Section 354(A)(1), 354C, 506 of Indian Penal Code and Section 8 of POCSO Act and the petitioner approached this court for grant of anticipatory bail by way of Crl. Misc. No.M-43172 of 2015, which was dismissed on 07.01.2016. Thereafter, the petitioner was granted default bail by the court below under Section 167(2) of Cr.P.C., as the challan was not presented within the stipulated period, which was not on merits. After the presentation of challan, the case was committed to the court of Sessions and the court of Sessions, amended the charge under Section 376 of Indian Penal Code.

This court has minutely gone through the contents of the FIR, order passed by this court in Crl. Misc. No.M-43172 of 2015 and the order dated 12.07.2017 passed by learned Addl. Sessions Judge, Moga, declining anticipatory bail to the petitioner and all these show that victim girl in the instant case is only 10/11 years of age. Specific allegations have been levelled against the petitioner in the FIR. While dismissing the anticipatory bail bearing Crl. Misc. No.M-43172 of 2015, the victim was also called in the court and she has been asked regarding the incident, while calling on the desk and she has narrated the whole of the incident.

In view of the specific serious allegations against the petitioner and considering the tender age of the victim, at this stage, without commenting on the merits of the court, this court is of the considered view that in case, the petitioner is released on anticipatory bail, possibility of

influencing the witnesses of prosecution cannot be ruled out. Therefore, under these circumstances, not ground is made to grant anticipatory bail to the petitioner.

Accordingly, the present petition, being devoid of any merit, is hereby dismissed.

August 08, 2017
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No