

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

**CRM-M-40742-2017
Date of Decision: 31.10.2017**

Lakhbir Singh @ Lakha @ Lakhvir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

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

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in the event of arrest in FIR No. 165 dated 06.07.2016, registered under Sections 376 and 506 of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, at Police Station Sultanwind, District Amritsar.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the aforesaid FIR. It is argued that the ACP had conducted an inquiry and came to the conclusion that in fact the rape had been committed by an unknown person. It is also argued that the petitioner was working as a Forest Guard and he had raised an objection to the residents of the village cutting the trees and removing the wood from the forest and due this reason, the complainant could have decided to involve him in the aforesaid FIR. Learned counsel for the petitioner also argues that the petitioner, who is a Forest Guard, had marked his presence in the

register to show that he could not have been present at the alleged place. It is further argued that there is a delay of 8 to 10 days in lodging of the FIR and there is no explanation by the prosecution for such a long delay.

I have heard learned counsel for the petitioner and also perused the order dated 11.10.2017 (Annexure P-4), passed by learned Additional Sessions Judge, Amritsar declining anticipatory bail to the petitioner.

The daughter of the complainant is a minor, aged 11 years, who, as per the allegations, has been subjected to rape by the petitioner herein. It is the case of the complainant as set out in the FIR that she knew the petitioner who had been on visiting terms with her brother-in-law. She went along with her daughter to collect the fire wood on the embankment of canal where she left her minor daughter with the petitioner. However, when she came back home along with her minor daughter, she noticed that her minor daughter had started remaining quiet and on her asking, she was informed that Lakhbir Singh, the petitioner herein, had taken her to a plot having a boundary wall and committed rape upon her. The argument raised that an inquiry has been conducted by a police officer, who has found the allegations to be not true, cannot be accepted as the report is not before this Court at the present moment neither were the same a part of the police file before Additional Sessions Judge, Amritsar. Additional Sessions Judge, Amritsar also noted the contention of ASI Nirmal Singh, who had verbally informed the Court that Senior Officer had not given his consent accepting the inquiry report.

Hence, in view of the fact that there are serious allegations of an offence under Section 376 IPC against a minor girl and that too by a responsible officer of the Government, no ground is made out for this Court

to exercise its discretionary powers in granting anticipatory bail to the petitioner.

Petition stands dismissed.

31.10.2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No