

In the High Court of Punjab and Haryana at Chandigarh

CRM -M-45799 of 2016
Date of Decision: 8.2.2017

Naseem

---Petitioner

versus

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Damandeep Singh, Advocate
for the petitioner**

Mr. Ankur Jain, AAG, Punjab

Rekha Mittal, J.

The petitioner prays for grant of regular bail in FIR No. 46 dated 14.9.2016 for offence punishable under Sections 342, 376, 506, 511 of the Indian Penal Code (in short "IPC") and Section 18 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station, Mullanpur, District SAS Nagar.

Notice of motion.

Mr. Ankur Jain, AAG, Punjab accepts notice on behalf of the respondent-State.

Counsel for the petitioner has submitted that on 11.9.2016, the petitioner was detained by the police and was produced before the Station House Officer in regard whereof an entry at Sr.No. 003 of General Diary (Annexure P-2) was made. The petitioner was produced before the Court of of SDM, Kharar and was released on bail on 12.9.2016. It is further

submitted that the petitioner was arrested in the case on 5.10.2016 when he appeared in the Court of SDM, Kharar in connection with proceedings under Sections 41(12) , 109 of the Code of Criminal Procedure (In short “Cr.P.C.”) but by that time he did not know about registration of case at the instance of the complainant. It is further argued that the petitioner is in custody for the past about five months. He is ready to face trial, in accordance with law.

Counsel for the State has submitted that charge has been framed. The victim and her mother (complainant) are yet to be examined. It is further submitted that keeping in view gravity of charge against the petitioner, he does not deserve to be enlarged on bail.

I have heard counsel for the parties, perused the paper book particularly the allegations raised in the FIR lodged at the behest of mother of a girl aged about 10-11 years.

As per the allegations, the petitioner had taken away the girl to the room in which he was residing as a tenant. He removed clothes of the victim and tried to commit rape. Suddenly, a person living in the neighbourhood knocked at the door and the girl came out of the room raising shrieks. The alleged victim and the complainant are yet to be examined in the case. Taking into consideration gravity of allegations, the petitioner does not deserve to be enlarged on bail at this stage.

Dismissed.

(Rekha Mittal)
Judge

8.2.2017

PARAMJIT

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No