

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

Crl. Misc. M-24493 of 2018 (O&M)
Date of Decision: July 06, 2018

Shinda Singh @ Salinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Piyush Sharma, Advocate
for the petitioner.

Mr. V.G. Jauhar, Senior DAG Punjab.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.243 dated 17.09.2015, under Sections 376, 34, 506 of Indian Penal Code and Sections 3/4 of POCSO Act, registered at Police Station Sadar Ferozepur.

In short, the complainant-victim has got lodged the aforesaid FIR while stating that she is 13-14 years old and studying in 10th class. On 05.09.2015, in the night, her entire family was sleeping, when the petitioner-accused herein along with one Surjit Singh entered their house. The petitioner-accused gagged her mouth with a cloth, while Surjit Singh caught hold of her from arms. Thereafter, the petitioner-accused forcibly committed rape upon her and Surjit Singh was looking for other family

members, so that they could not wake up. In the meantime, the petitioner's hand removed from her mouth and she started screaming and her brother woke up. On this, the aforesaid persons escaped from the spot.

Mr. Piyush Sharma, learned counsel appearing on behalf of the petitioner argues that the petitioner has been falsely implicated in the present case. It is submitted that a reading of the FIR would show that false and frivolous allegations have been levelled by the complainant against the petitioner herein. It is also contended that there is delay of 12 days in registration of the FIR, which has not been explained.

Per contra, Mr. V.G. Jauhar, learned senior DAG appearing on behalf of the respondent-State opposes the grant of anticipatory bail to the petitioner, while submitting that there are serious allegations levelled the against the petitioner herein.

I have heard learned counsel for the parties, apart from perusing the pleadings.

A reading of the FIR would go on to show that the petitioner herein has been specifically named in the FIR along with co-accused Surjit Singh by the minor victim. The petitioner-accused first entered the house of the minor victim in the mid night and thereafter, with the help of co-accused forcibly committed rape upon her.

In the instant case, *inter alia* there are serious allegations of forcibly committing rape upon a minor girl aged 13-14 years. The instant FIR has been registered on 17.09.2015 whereas, the application for grant of anticipatory bail came to be filed before the Sessions Judge, Ferozepur in the month of March, 2018. Meaning thereby, the petitioner-accused herein

has approached the Court of Sessions for grant of anticipatory bail after a period of almost two years and six months, from the date of registration of the FIR and in the interregnum avoided the process of the court. The grant of anticipatory bail is a discretionary relief. The conduct of the petitioner and gravity of the offence committed has to be seen as well. In view of the peculiar facts and circumstances of the present case and the gravity of the allegations levelled against the petitioner herein, this court is of the considered view that no ground is made out to grant the relief of anticipatory bail to the petitioner. Accordingly, the petition in hand is hereby dismissed, being devoid of any merits.

However, anything observed hereinabove shall have no affect on the merits of the case, which is only for the purpose of deciding the anticipatory bail application.

July 06, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No