

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

CRM-M-25871-2018

Date of decision:-5.7.2018

Jaswant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.H.S. Mann, Advocate
for the petitioner.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Jaswant Singh, an accused in FIR No.30 dated 10.5.2018, under Sections 354-A, 354-D IPC and Section 8 of the Protection of Children from Sexual Offence Act, 2012, registered with Police Station Kotfatta, District Bathinda.

Briefly stated, the facts of the case are that the FIR in question was recorded on the basis of statement of complainant Jaspal Kaur wife of Jagsir Singh of Jatt Sikh community, resident of Maisar Khana, aged about 38 years, which she made to the police of Police Station Kotfatta, District Bathinda on 10.5.2018, inter alia, stating that her daughter (daughter name not being mentioned to conceal her identity and referred to as 'the victim') having date of birth 10.10.2003 is studying in

9th class at Government Senior Secondary School, Maisar Khana; that on the said date, the complainant had gone to Maur Mandi in connection with some household work and while returning therefrom when she was going from bus-stand Maisar Khana to her house at about 2:00 p.m., children of Government School were coming out of the school after school hours were over, for going to their houses, which included her daughter – victim who was about 100 yards ahead of her; that when the victim reached just ahead of Electricity Complaint Centre, then Gurmeet Singh son of Buta Singh, Kuldeep Singh @ Bholu son of Hardam Singh, Jaswant Singh son of Gurpreet Singh (present petitioner), residents of their village came on foot and stopped in front of the victim; that they started talking with her; that in the meanwhile Gurmeet Singh caught hold of right arm of victim; that Kuldeep Singh @ Bholu touched cheeks of the victim, Jaswant Singh also molested her; that the victim raised noise and the complainant rushed towards her; that on seeing the complainant, the accused started going away from the spot saying that on that day the victim had been saved but they would see her the next time; that the victim informed her mother - complainant that all three of them were following her for the last 2-3 days and on that day they had asked to develop friendship with them and they wanted to give their mobile phone number to her and when she refused, then the above named persons manhandled her and had touched her cheeks and body with lustful intentions. According to the complainant, she along with the victim went home and informed her husband Jagsir Singh, thereafter, the complainant along with her husband were going to the Police Station Kotfatta, when on the way they came across the police

party and the complainant got her statement recorded.

Accused Gurmeet Singh was arrested in this case, whereas apprehending his arrest in this case petitioner Jaswant Singh had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such application was declined by learned Additional Sessions Judge, Bathinda vide order dated 6.6.2018. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel.

I have heard learned counsel for the parties besides going through the records.

After considering the rival contentions and going through the record, I find that there is no merit in the petition. Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation. The incidents of eve - teasing are increasing day by day with the result it is not safe for the young girls and womenfolk to go to public places and the young girls going to educational institutions are not safe. Some menfolk, who derive sadistic pleasures in teasing and molesting the girls and women are often on prowl. Such type of incidents cannot be viewed lightly and such anti-social elements need to be dealt with sternly. The petitioner is specifically named in the FIR. There are clear allegations of his having molested the victim. The victim in her statement made to the police under Section 161 Cr.P.C. on 10.5.2018 has clearly stated that the

accused had touched her cheeks and other parts of the body with a lustful intention. As such, the contention of learned counsel for the petitioner that no offence under Section 8 of the Protection of Children from Sexual Offence Act, 2012 is made out is found to be without any merit. The allegations against the petitioner are quite serious, which does not warrant grant of pre-arrest bail to him.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely, which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

5.7.2018

Brij

(H.S.MADAAN)**JUDGE****Whether reasoned/speaking : Yes/No****Whether reportable : Yes/No**