

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

**CRM-M No.31615 of 2018**  
Date of decision: 26<sup>th</sup> October, 2018

Gurmeet Singh

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. S.P.S. Sidhu, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. Dy. Advocate General, Punjab  
for the respondent/State.

**FATEH DEEP SINGH, J. (ORAL)**

Mr.Karandeep Singh Sidhu, Advocate puts in appearance and  
files his power of attorney on behalf of the complainant.

This order shall dispose off first anticipatory bail application  
under Section 438 Cr.P.C. of petitioner Gurmeet Singh, accused in case  
bearing FIR No.0052 dated 28.06.2018 under Sections 384/354-D,  
506/509 IPC; Section 67 of the Information Technology Act, 2000 and  
Section 4 of the Indecent Representation of Women (Prohibition) Act,  
1986 as well as Sections 3 and 4 of the Protection of Children from  
Sexual Offences Act, 2012 pertaining to Police Station Lakho Ke  
Behram, District Ferozepur.

Present case was got registered on the statement of Gurjant  
Singh, a young boy aged around 19 years, alleging that the victim  
happens to be his younger sister and is a minor. It is alleged that his sister

for the last one month was under tension and depression and when the family enquired into the causes for the same, the victim disclosed that the petitioner had allured her in some house and clicked her obscene photographs and also prepared a video and made a telephonic call to her from his mobile and threatened to upload the same on the social media. It is alleged that under this threat, the accused forced the minor victim by giving threats and ravaged her and had caused her immense hurt leading to registration of the present case.

Mr. S.P.S. Sidhu, Advocate representing the petitioner has argued that the girl has volunteered into this and there is no element of coercion or threat and that the photographs/video so alleged is already recovered and no other article is to be recovered from the possession of the accused and his joining the investigation would suffice the purpose and has even sought to argue that no offence whatsoever is made out against the petitioner.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab representing the State, on instructions from ASI Pawan Kumar from Police Station Lakho Ke Behram, District Ferozepur, assisted by Mr. Karandeep Singh Sidhu, Advocate on behalf of the complainant, has sought to oppose grant of bail on the grounds that the petitioner has committed a heinous offence and in view of the seriousness of the allegations together with the fact that he has failed to cooperate in the investigation, disentitles him for grant of bail.

Appreciating the submissions, it could not be displaced by any means that the victim at the time of commission of crime, was a minor. The documents by way of photographs etc. collected during the investigations are clear-cut pointer towards the commission of this crime upon a minor victim by the petitioner accused, who is a grown-up person. The apprehension of the State that if allowed bail the petitioner would influence the witnesses as he is of the same area and will stifle the same, certainly is not unfounded. Keeping in view that such like crimes have attained notoriety and need to be curbed and the Courts being tools of social justice need to ensure that the culprits do not go scot-free. More so, the provisions of Section 438 Cr.P.C. are to be sparingly used. Thus, no ground for grant of anticipatory bail is made out. The petition stands dismissed accordingly.

**(FATEH DEEP SINGH)**  
**JUDGE**

**October 26, 2018**

*rps*

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No