

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

CRM-M-38164-2018

Date of decision:-24.9.2018

Gurmeet Singh @ Gurmit Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Vivek K. Thakur, Advocate
for the petitioner.

Mr.Dhruv Dayal, Sr.DAG, Punjab.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Gurmeet Singh @ Gurmit Singh, an accused in FIR No.91 dated 12.8.2018, under Sections 354, 506 IPC and Section 12 of POCSO Act, registered at Police Station Talwandi Chaudrian, District Kapurthala.

Briefly stated, the facts of the case, as per the prosecution story, are that on 12.8.2018, the victim aged about 12 years, niece of complainant Mangal Singh, resident of Khijarpur, Police Station Talwandi Chaudhrian, District Kapurthala had gone to the fields to pluck chillies, then at about 8:30 a.m., Gurmit Singh (present petitioner) caught her from her arm, hugged her, kissed her on face and started doing obscene acts with her; the victim freed herself from his clutches and ran away; the

accused had threatened to kill the victim in case she disclosed the incident to anybody. However, on return home, the victim informed her uncle the complainant in that regard, who summoned Gurmeet Singh @ Gurmit Singh to his house and confronted him regarding the incident, then Gurmeet Singh @ Gurmit Singh started giving threats to them. The complainant accordingly reported the matter to the police. Formal FIR was registered.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Additional Sessions Judge, Kapurthala vide order dated 24.8.2018. As such, the petitioner has approached this Court asking for the 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.

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.

In this case, there are serious allegations against the petitioner/accused of indulging in obscene acts with a minor girl and outraging her modesty. I find that the incidents of child abuse and molestation of young girls are increasing day by day. It is not safe for the womenfolk to venture out of their houses even. A serious law and order

problem in that regard is fast emerging. In case precautionary measures are not taken at the initial stage, the things may get out of hand and would be very difficult to control. The persons harassing molesting and sexually abusing young girls need to be dealt with iron hand and no leniency can be shown to them.

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.

24.9.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No