

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

Crl. Misc. M-42679 of 2017 (O&M)
Date of Decision: March 23, 2018

Pawan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Pawan Kumar, Advocate
for the petitioner.

Mrs. Anju Arora, Addl. AG Punjab.

Mr. Sandeep Jasuja, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.86 dated 19.11.2016, under Sections 363, 366-A, 376-D, 506, 34 of Indian Penal Code and Sections 3, 4 of POCSO Act, registered at Police Station City-II, Abohar.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It is argued that alleged place of occurrence is just 20 meters away from the house of the petitioner, where he is living with his family members. It is submitted that the alleged

place of occurrence is the same, as the place of residence of the complainant. It is also contended that it is highly improbable that the prosecutrix was kept for 4 days in a room of the house, which 20 other people are staying and surrounded by crowded locality. It is further submitted that the petitioner herein has been in custody in the aforesaid FIR since 04.06.2017 and conclusion of trial will take sufficient, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of the respondent-State, on instructions from the Investigating Officer as well as counsel for the complainant oppose the grant of regular bail to the petitioner, while submitting that the offences alleged against the petitioner are serious in nature and the statement of the prosecutrix is yet to be recorded. It is argued that there are specific allegations against the petitioner herein in the FIR, therefore, the petition is liable to be dismissed.

I have heard learned counsel for the parties and perused the record of the case.

The FIR in question has been lodged under Sections 363, 366-A, 376-D, 506, 34 of Indian Penal Code and Sections 3, 4 of POCSO Act, by complainant-Baljit Singh and the victim in the instant case is aged around 15 years. In the FIR, there are specific allegations that the victim was kidnapped by Ashwani Kumar, Radhey and Sahil and kept in the PG of Pawan Kumar (the petitioner herein) where Ashwani Kumar repeatedly raped the minor victim and the petitioner threatened her not to disclose this to anyone, otherwise, he would kill her. It is also alleged in the FIR that the petitioner herein also visited the house of the complainant and threatened

the victim and her mother to compromise the matter by taking a sum of Rs.20,000/-.

Keeping in view the peculiar facts and circumstances of the present case and seriousness of the allegations levelled, apart from the fact that statements of the minor victim and the complainant are yet to be recorded, this court is of the considered view that no ground is made to release the petitioner on regular bail.

In view of the above, the petition in hand is hereby dismissed, making it clear that anything observed or said by this court is only for the purpose of deciding the instant bail petition and the same shall have no affect on the merits of the case.

March 23, 2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No