

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

Crl. Misc. M-7487 of 2018 (O&M)
Date of Decision: March 01, 2018

Aman

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. B.S. Sodhi, Advocate
for the petitioner.

Mr. A.S. Sandhu, Addl. AG 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.5 dated 19.01.2018, under Sections 452, 354, 354-A, 354-D, 506, 34 of Indian Penal Code, registered at Police Station Pozewal.

Learned counsel for the petitioner contends that the petitioner herein is a minor and has been falsely implicated in the present case. It is argued that the petitioner has not committed any offence, as alleged in the FIR. It is contended that co-accused Shubam Sharma wanted to marry with the complainant and the petitioner herein has no concern with their marriage.

Status report filed by the respondent-State is taken on record

and a copy thereof has been supplied to the opposite counsel. Learned counsel appearing on behalf of the respondent-State opposes the grant of anticipatory bail to the petitioner, while submitting that the offences alleged against the petitioner are serious in nature. It is submitted that an FIR No.77 dated 03.06.2017, under Sections 363, 366-A, 376 of Indian Penal Code has already been registered against the petitioner herein, in which, he has been convicted for two years by the Principal Magistrate, Juvenile Justice Board, Shaheed Bhagat Singh Nagar, by an order dated 21.02.2018.

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

A reading of the FIR would go on to show that the petitioner herein has been named in the FIR by the prosecutrix, as the person who had harassed her. There are specific allegations against the petitioner herein that when the prosecutrix went to the shop, the petitioner herein along with his co-accused encircled the prosecutrix and touched her with bad intention. The petitioner along with his co-accused also entered the house of the prosecutrix and threw bricks and stones and due to this reason, the petitioner herein was caught hold at the spot by her father and other neighbours and thereafter, he was arrested by the police. It is categorically alleged by the prosecutrix that because of the harassment given by the petitioner and his co-accused, she could not go to her college as well as outside her house.

In the instant case, *inter alia* there are serious allegations of harassing the young prosecutrix and it is also alleged that the petitioner and his co-accused also clicked the photographs of the prosecutrix and through

the same, they were pressuring her that they will publish the same by editing to defame her and insult her publicly.

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.

March 01, 2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No