

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

**CRM-M No.28870 of 2019
Decided on: 15.07.2019**

Tarlochan Singh Pardhan

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.299 dated 28.11.2018, for offence punishable under Sections 377, 323, 506 of the Indian Penal Code (in short 'IPC') and 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Bhawanigarh, District Sangrur.

Counsel for the petitioner has submitted that the FIR was registered by the complainant, aged about 10 years that on 17.11.2018, when he was returning back from the school, some persons namely Hardeep Singh, Tarlochan Singh Pardhan (the present petitioner), Labbi, Akash and Amar came to him and Tarlochan Singh Pardhan told him that he should give some donation for the Kabbadi Tournament and when the complainant refused, they forcibly took him on the vacant plot on the back side of State Bank of Patiala Branch and on the asking of the petitioner, the co-accused Hardeep Singh has done wrong act with him and thereafter, on the asking of the petitioner – Tarlochan Singh,

another co-accused namely Amar Singh @ Amarjit Singh made a video of the incident and thereafter, they started threatening him that if he disclosed the same to anyone, they will make the video viral.

Counsel for the petitioner has submitted that there is a delay of about 11 days in registration of the FIR and there is no specific medical evidence available on record to support the version of the complainant.

Counsel for the State, on instructions from HC Nirbhay Singh, has stated that out of 14 prosecution witnesses, only 07 PWs have been examined (including the complainant/victim) and the complainant has supported the prosecution version. It is further submitted that since the medical of the victim was done after a long time, no clear evidence has come on record. Counsel for the State has opposed the prayer for bail of the petitioner on the ground that since the petitioner along with the other accused has done the videography of the incident in which the co-accused Hardeep Singh, committed unnatural offence with the complainant/victim and further put the victim under threat, the delay in registration of the FIR has been duly explained.

After hearing the counsel for the parties, I do not find any ground to grant the concession of the regular bail to the petitioner.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

15.07.2019
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No