

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

CRM-M No.31317 of 2019
Date of decision: 18th December, 2019

Lakhwinder Singh @ Gurpreet @ Kala

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Shubham Goyal, Advocate for the petitioner.

Mr. Pawan Sharda, Sr. Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Petitioner Lakhwinder Singh @ Gurpreet @ Kala aged around 18 years has come up in this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.68 dated 12.06.2019 under Sections 354, 323, 506, 34 IPC (Sections 452 and 201 added subsequently in the final report) and Sections 9 and 10 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Sadar, District Sri Muktsar Sahib. The present case has been got registered by a girl aged around 11½ years alleging that she was a student of sixth class and on 12.06.2019 while the parents of the girl had gone out in the afternoon the accused trespassed into their house and tried to drag the complainant into the bathroom and on her raising alarm her brother was attracted. In the meanwhile, shirt of the complainant was

torn. The allegations against the present petitioner are that he being the owner had been driving the motorcycle and was waiting outside the place of occurrence and facilitated escape of the principal accused and his name has been shown to be Kali alias Vijaypal Singh alias Kocha Singh son of Uttar Singh in the FIR.

Learned counsel for the petitioner Mr. Shubham Goyal, Advocate inter alia contends that there is no specific allegation against the petitioner in facilitating the principal accused either in trespassing into the house or in the molestation and that his joining the investigations/trial would suffice the purpose.

Learned State counsel Mr. Pawan Sharda, Sr. Dy. Advocate General, Punjab on instructions from ASI Gurmail Singh, though does not controvert the facts but stoutly opposes the grant of bail on the grounds that subsequently the petitioner has been clearly named in the statement of the prosecutrix recorded under Section 164 Cr.P.C. and if allowed bail he would influence the investigations.

Appreciating the submissions of the two sides, bare perusal of the allegations and the records would show that no specific role is attributed to the petitioner except the fact that he was driving the motorcycle from which the principal accused had alighted and thereafter trespassed into the house of the prosecutrix, thus, culpability, if any, shall be subject to trial which is not likely to conclude in the near future. In view thereof and the fact that nothing is to be recovered from the

petitioner, this Court is of the opinion that it would be a travesty of justice to send the petitioner in custody in the present case. Accordingly, since challan is sought to have been filed in Court, the petitioner is directed to put in appearance before the trial Court, and on his doing so, he shall be released on bail to the satisfaction of the trial Court and will be permitted to furnish regular bail bonds to the satisfaction of the trial Court in that eventuality.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

December 18, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No