

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

**CRM M-32893 of 2019
Date of Decision: October 22, 2019**

Sucha Singh		Petitioner
	Versus	
State of Punjab		 Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Naresh Kumar, Advocate
for the petitioners.

Mr. Pawan Sharda, Sr. DAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

The precise allegations against petitioner/accused Sucha Singh in case bearing FIR No. 101 dated 03.07.2019 under Sections 354, 354-A IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Sadar, District Hoshiarpur have been levelled by a young girl aged 12 years by alleging that on 03.07.2019 at around 11.00 a.m., when the complainant had gone to the shop of the petitioner, he touched her breast and, thereafter, gave a

pinch leading to the registration of the FIR.

Counsel for the petitioner, *inter alia*, submits that complainant in her stand made under Section 164 Cr.P.C. before the learned Judicial Magistrate 1st Class has not supported the prosecution stand rather stated that on account of her mistake, the petitioner had scolded her and argued that nothing is to be recovered from the petitioner and it is only a deceptive stand of the complainant, which has led to this false registration of the case.

Mr. Pawan Sharda, Sr. DAG, Punjab on instructions from ASI Satish Kumar does not displace the facts that have been canvassed at the bar by the learned counsel for the petitioner but opposed the grant of the relief on the seriousness of the allegations.

Going through the submissions, the statement of the girl, so recorded after three days of occurrence on 06.07.2019 under Section 164 Cr.P.C. by the learned Judicial Magistrate 1st Class that she has not supported the prosecution stand and in view of the fact that nothing is to be recovered from the petitioner and it would be travesty of justice, if the petitioner is sent behind the bars. Therefore, in the event of arrest, the petitioners be released on *interim* bail to the satisfaction of Arresting/Investigating Officer. The petitioners shall, however, join the investigation as and when called for to do so and they shall abide by the conditions as envisaged under Section 438(2)

Cr.P.C. Thereafter, will be released on regular bail upon presentation of challan.

Disposed of.

October 22, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No