

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

CRM-M No.48056 of 2019

Date of decision: 18th December, 2019

Lakhvir Singh @ Lajja

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sukhjit Singh, Advocate for the petitioner.

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

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Lakhvir Singh alias Lajja in this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.138 dated 20.10.2019 under Sections 363-A, 354-A, 511 IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Chamkaur Sahib, District Rupnagar have come from the complainant, mother of the victim. The complainant claims that her daughter, a student of 4th class aged around 12 years was coming from the market around 10:00 a.m. when the accused caught her from arm and while placing his hand on her mouth tried to pull her into his house leading to registration of the present case.

Learned counsel for the petitioner Mr. Sukhjit Singh,
Advocate inter alia contends that the petitioner as well as the complainant

are related to each other and on account of their personal dispute and rivalry, present case has been got registered and that nothing is to be recovered from the petitioner.

On behalf of the State, Mr. Pawan Sharda, Sr. Dy. Advocate General, Punjab on instructions from ASI Gurmukh Singh has not controverted the facts but has strongly opposed the grant of bail on the grounds that the petitioner, an aged mature person has tried to assault a female child and thus, was not entitled to any concession of anticipatory bail.

Appreciating the submissions of the two sides, a perusal of the allegations and the records reflects that the occurrence has taken place in broad day light at a public place which is claimed to have been witnessed by others and thus, the very plausibility and probability of the occurrence is of doubtful origin. In view thereof and the fact that nothing is to be recovered from the petitioner, this Court is of the opinion that his joining the investigations would suffice the purpose as the culpability, if any, shall be determined at the trial, and the investigations and trial are not likely to conclude in the near future. Accordingly, the petitioner is directed to appear before the investigating officer within ten days from today and on his doing so, he shall be released on bail to the satisfaction of the investigating officer till submission of report under Section 173 Cr.P.C. (challan). He shall continue to join investigation and shall furnish

an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

December 18, 2019
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No