

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

**CRM-M-62006-2018
Date of decision: 15.01.2019**

Mobin**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Ashok Tyagi, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 166 dated 28.09.2018, registered under Sections 326, 295 and 34 of the IPC at Police Station Machhiwara, District Khanna, Punjab.

Brief facts of the case, as per the allegations in the FIR, are that victim Golu Kumar, aged about 10 years, recorded a statement before the Investigating Officer on 28.09.2018 that he is working as a labourer in the construction of house of one Prem Kumar in the village and he has left the said job about 5/6 days back. He further stated that when he was going on the road, a motorcyle came and stopped him and the motorcyle rider took him to a fruit cart and when he alighted from the motorcyle, accused Mobin was standing there who was also running a fruit cart in that area. He took the complainant to his fruit cart to work for Rs. 1000/- per month. The complainant worked there for 5/6 days, however, he was maltreated and was given beatings by the accused/petitioner. On 27.09.2018 at about 8/9 PM, the accused accompanied by two other persons, carrying some arms, removed the

pant of the complainant and with the help of a knife, the accused forcibly circumcised the male genital part of the complainant and when the complainant raised hue and cry, they made him to sleep in pain. Later on, complainant went to Tempo Union where he met Inderjit Singh who took him to Civil Hospital, Machhiwara Sahib and got him medically examined and while the complainant was admitted there, he suffered the aforesaid statement.

Learned counsel for the petitioner has argued that the present FIR has been registered under Sections 326, 295 and 34 of the IPC and it will be a debatable issue whether offence under Section 326 IPC is made out or not.

Learned State counsel, on instructions from ASI Mohan Lal, has submitted that complainant is an orphan and does not belong to Muslim religion. It is further submitted that complainant is only 10 years of age and he has forcibly been circumcised by the petitioner.

Learned State counsel, on the basis of MLR, has further submitted that tip of the male genital part of the complainant has been chopped off and, therefore, the offence under Section 326 IPC is made out against the petitioner.

After hearing learned counsel for the parties and going through the contents of the FIR and also considering the age of the complainant and the nature of injuries sustained by him, I find no ground to grant concession of anticipatory bail to the petitioner.

Therefore, the present petition is dismissed.

January 15, 2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No