

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-51994 of 2019 (O&M)
Date of decision : December 11, 2019

Sukhwinder Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Gagandeep Singh Sirphikhi, Advocate,
for the petitioner

Ms. Sakshi Bakshi, AAG, Punjab for the State

Fateh Deep Singh, J. (Oral)

Petitioner accused Sukhwinder Singh has sought regular bail in case FIR No. 28 dated 30.3.2019 under Sections 354-A/376/506 IPC and Section 66 of Information Technology Act, 2000 and Section 14 of POCSO Act, Police Station Qila Lal Singh, District Gurdaspur.

The allegations against the petitioner has come about from a 16 years old minor girl alleging that on 28.3.2019, she had

gone to Hothian Sahib Gurdwara. Around 11.00 AM while waiting for an Auto accused Sukhwinder Singh came on motorcycle and offered to give her a lift which she accepted. It is alleged that the accused instead of dropping the complainant at her place took her to a desolated place and defiled her and also prepared her obscene video clips after giving her threats leading to the registration of the present case.

Learned counsel for the petitioner inter-alia contends that the prosecutrix has not supported the prosecution version and has sought to place reliance on her testimony as PW2. It is argued that the girl was in a consensual relationship and the accused has been falsely implicated and nothing has transpired as alleged.

Learned State counsel has opposed the bail on the grounds that the accused even in custody had influenced the witnesses and if allowed bail, he will stifle the trial.

Going through the submissions, the Laboratory report on the articles sent for analysis is illustrative of presence of semen. The girl in her statement under Section 164 Cr.P.C. has supported the prosecution version. Being a girl child aged around 16 years and in view of the allegations that have come about desist the Court from allowing the bail. Finding no merit, the present petition stands

dismissed.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

December 11, 2019

(Fateh Deep Singh)
Judge

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Whether speaking/reasoned ?

Whether Reportable ?

Yes/No

Yes/No