

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

CRM-M-53418-2018 (O&M)

Date of decision: 9.4.2019

Durga Dass

... Petitioner(s)

VERSUS

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Sangram S. Saron, Advocate.
for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

None for respondent No.2.

RAJ SHEKHAR ATTRI, J. (Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.130 dated 14.11.2018 registered for the offences punishable under Sections 354-A, 354-D of Indian Penal Code and Section 12 of Protection of Children from Sexual Offences Act, at Police Station Kiratpur Sahib, District Rupnagar.

Heard.

It is the prosecution story as narrated in the order of learned Additional Sessions Judge in para 2 as under : -

“2. The present case has been registered against the applicants/accused on the statement made by the complainant Vikramjit Kaur to the effect that she is student of +2 at Senior Secondary School Bharatgarh. Her younger sister who is also

studying in the same school told her in the house that applicant Barinder Singh sent a mobile phone to her but on the next day, she returned that mobile phone, but said Barinder Singh told that if she refused to take the said mobile phone, he would get her failed in the board examination. Some days ago, Durga Dass applicant asked if she possess Ahdar card and on the next day, she handed over her Ahdar card to Durga Dass and said Durga Dass returned the Adhar card to her by folding currency notes of Rs.120/- and told her that she would purchase SIM card from one Amritpal who is running shop of mobile phones. She under the fear handed over her Adhar Card and SIM and said Durga Dass written the cell phone number at his own and while taking the SIM, she handed over the said SIM to Durga Dass and on seeing the number he further asked her to take that SIM in the mobile phone. Thereafter said Durga Dass asked her that should would insert the said SIM, as applicant Barinder Singh wish to talk her on the phone and if she will not talk with Barinder Singh, she would get her failed in the exams. Thereafter she inserted the SIM in the cell phone and they forced her to have a talk with her sister, otherwise they will get her failed in the exams and they further told that if she disclosed the entire episode to anyone, he will get her out from the school. Both the above said persons continued blackmailing herself and her sister and she disclosed the entire incident to her parents and on the basis of these allegations, the present case has been registered against both the applicant/accused.”

Subsequently, the matter was reported to the District Education Officer, who lodged the FIR.

Learned State counsel on instructions from ASI Sartaj Singh states that co-accused Varinder Singh who was a teacher of that school has unfortunately committed suicide on 12.12.2018. The petitioner is also a teacher. He has already been transferred from that school. Further states that the petitioner has joined the investigation and nothing is to be recovered from him.

Without expressing any opinion on the merits of the case, this petition is allowed and the order dated 3.12.2018 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation as and when required by the police;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the trial Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

April 9, 2019
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No