

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-12084 of 2020
Date of decision:08.05.2020

Reena Rani

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rishu Mahajan, Advocate
for the petitioner.

SUVIR SEHGAL, J.

Court has been convened through video conferencing due to Covid-19 pandemic.

Prayer in the application is for grant of anticipatory bail in FIR bearing No.37 dated 05.03.2020, under Sections 376 and 120-B of Indian Penal Code, 1860 (Section 4 of The Protection of Children from Sexual Offences Act, 2012 and Section 506 IPC were added later on) registered at Police Station Sadar, Jalandhar.

FIR was recorded on the statement of ABC (name withheld). She stated that in the year 2018, she alongwith her female friends had gone to the house of Jassa son of Kashmiri Lal for Lohri, where Jassa clicked group and individual photographs of the complainant and her friends. In February 2018, Reena Rani wife of Rui Das, sister-in-law of Jassa, called the complainant to her house and took photographs of the complainant with Jassa. Reena made Jassa and the complainant sit in a room and bolted the door from outside. When Jassa and complainant were alone in the room,

Jassa sexually assaulted the complainant. Somehow the complainant managed to get door opened and went back home. Jassa started harassing, black-mailing and threatened her. Later on, the complainant narrated the entire incident to her mother and submitted a complaint before the police authorities.

Counsel for the petitioner has been heard. He has contended that the allegations against the petitioner are false and she has been involved as she is related to the alleged main accused, Jassa. He has submitted that there is an un-explained delay of two years in lodging the FIR.

The submissions of the counsel have been considered. Specific allegation has been levelled by the complainant against the petitioner that the petitioner called the complainant to her house on some pretext, made the complainant and Jassa sit in a room and then bolted the room from outside whereupon Jassa had physical relations with the complainant. The possibility of the petitioner being a party to heinous crime cannot be ruled out. Jassa had allegedly threatened the complainant that in case she disclosed the incident to anyone, he will get the entire family killed and even threatened to upload the photographs on social media. The complainant was a minor at the time of alleged incident and due to threats extended by Jassa, she did not lodge the complaint to the police for two years. Considering the gravity of the offence and the fact that victim was minor at the time of commission of alleged offence, the petitioner is not entitled to grant of anticipatory bail.

The petition is accordingly dismissed.

It is further clarified that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

May 08, 2020
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No