

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

CRM-M-37194-2020 (O&M)

Date of decision : 11.11.2020

Ravinder Kumar @ Ravi

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Manvender Chauhan, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. Manvinder Singh Dalal, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0018 dated 13.02.2020 under Sections 376, 34 of Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offence Act, 2012 registered at Police Station Shambu, District Patiala.

The allegations in the present case are that the victim, on 08.02.2020 at about 10.00 p.m., had received text message from her neighbour, petitioner herein, calling her to his house. When she refused, she was informed that her boy-friend, namely Rohit, was calling her. Thereafter, the victim left the house without informing her parents for the house of the petitioner. The petitioner is alleged to have taken her inside the room and there committed rape upon her. Thereafter, he told her to go outside the house and also telephonically informed Rohit that she was standing outside to meet him. It is further the case of the complainant that about one month back, when she had visited the house of Rohit, the said Rohit had also committed rape upon her.

Learned counsel for the petitioner has contended that there has been a Panchayati compromise between the petitioner and the father of the

complainant.

Notice of motion.

On the asking of the Court, Mr. Ramandeep Sandhu, Sr. DAG, Punjab, who has joined the session through video conferencing, accepts notice on behalf of the respondent-State and he, on instructions from ASI Malwinder Singh, has brought to the notice of this Court that the victim has stood by her complaint and even in the statement recorded under Section 164 of the Code of Criminal Procedure, 1973.

I have heard learned counsel for the parties.

In the present case, the specific allegations have been made against the petitioner having committed rape upon the victim. The petitioner has specifically been named in the FIR and the victim being a minor, the provisions of the Protection of Children from Sexual Offences Act, 2012 are also attracted. Further, the argument raised by learned counsel for the petitioner that the father of the victim has entered into a compromise with the petitioner cannot be looked into at this stage. In any case, once the FIR itself was lodged on the complaint made by the victim and the fact that she stood by her complaint even in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973, the question of the father of the victim entering into a compromise is of no relevance. That being so, I do not deem this to be a fit case for grant of anticipatory bail to the petitioner. Accordingly, the present petition is dismissed.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

11.11.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO