

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203 CRM-M-1545 of 2021
Date of decision:05.03.2021

Jaspreet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab
for the respondent-State.

SUVIR SEHGAL J.

The Court has been convened through video conferencing on account of outbreak of (Covid-19) pandemic.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure seeking anticipatory bail to the petitioner in FIR No.28 dated 05.02.2020 registered under Sections 354, 354-A of Indian Penal Code, 1860 and Section 8 of Protection of Children from Sexual Offences Act, 2012 (for short "POCSO") at Police Station City Rupnagar, District Rupnagar.

As per the version of the prosecution, the above mentioned FIR came to be registered on a written communication from the Child Welfare Committee, Rupnagar attaching therewith the complaint submitted by a 16 years old girl (hereinafter referred to as "the victim/prosecutrix"), wherein

she stated that about three years ago when she was studying in Sahibzada Ajit Singh Academy and was staying in a rented accommodation in the house of one Paramjeet Singh, his son Jitender Singh attempted to rape her. She used to go for tuition to the house of Madam Supriya, who used to force her to consume liquor, smoke and even administered her some injections. Madam Supriya made her obscene videos, blackmailed her, extorted money and ornaments and uploaded her videos in a Whatsapp group of which Jaspreet Singh (present petitioner) and the other co-accused were members. The statement of the victim was recorded under Section 164 Cr.P.C. (Annexure P-1) where she gave the details of the trauma that she went through. She narrated some incidents and specifically alleged that all the accused including present petitioner were colluding and extracting money from her by blackmailing her. The victim stated that her father was of very strict nature and she did not disclose the details to her parents out of fear.

Counsel for the petition has submitted that the petitioner has been falsely implicated as there is a delay of more than 03 years in the registration of the FIR. He urges that there is no specific allegation against the petitioner, who in any case, was minor when the alleged incident took place. Still further, he submits that Supriya and Jitender are allegedly the main accused and Supriya, who is alleged to have made the obscene video of the victim, has been granted anticipatory bail by this Court, vide order dated 20.02.2020 (Annexure P-4) passed in CRM-M-7643 of 2020, which is pending.

Opposing the petition, State counsel upon instructions from SI Baljinder Kaur, submits that the petitioner is not only specifically named in the FIR but also in the statement of the victim recorded under Section 164 Cr.P.C. He has referred to the status report filed by way of affidavit of the Deputy Superintendent of Police, Rupnagar to submit that the petitioner was hand in glove with the other co-accused. As per his instructions, the final report under Section 173(2) Cr.P.C has been filed in the Court under Sections 354, 354-A, 384, 120-B, IPC and Section 8 of POCSO against Manjinder Singh alias Bittu, Jatinder Singh alias Sonu and Supriya Guraya on 27.03.2020. He further submits that the petitions seeking anticipatory bail filed by the other co-accused, namely, Jatinder Singh, Manjinder Singh, Paramjeet Kaur and Jaswinder Singh, have been declined by this Court. A particular reference has been made to the orders passed by this Court on 17-07-2020 in CRM-M-19114 of 2020 and CRM-M-19150 of 2020, whereby petitions preferred by Jaswinder Singh and Paramjeet Kaur have been rejected, but some of the co-accused are yet to be arrested.

I have considered the submissions of the counsel for the parties.

The allegations levelled by the victim in her complaint which are supported with her statement (Annexure P-1) recorded under Section 164 Cr.P.C show that she has been tormented at the hands of her teacher, Supriya, who alongwith other accused, including the present petitioner made her life a living hell, as a result of which, the victim went into depression, attempted suicide thrice and is undergoing psychiatric treatment. The victim was around 13 years of age, when her torture started

at the hands of the accused. She has specifically named the petitioner and even mentioned that the petitioner was expelled from the school on her complaint. It has been specifically alleged by the victim that the accused forced her to consume intoxicating substances, made her obscene videos and posted them in a Whatsapp group of which the petitioner was one of the members and blackmailed her. It was only after her mother noticed the missing jewellery that the petitioner narrated the entire saga to her which led to the exposure of the torture that she had been going through. The fact that the petitioner was a member of group where the objectionable video of the prosecutrix was circulated, makes him an accomplice to the offence. The grant of interim bail to the co-accused does not help the petitioner, who comes across as a pervert. The life of a young girl has been ruined as a result of the abuse that she has gone through in her formative years.

Even if the argument of the counsel for the petitioner is accepted that the petitioner was a minor when the alleged incident took place, however, the allegations when examined in detail show that the victim was being blackmailed and threatened by the petitioner and other accused continuously for more than 03 years prior to the registration of the FIR. During this period, the petitioner whose date of birth is claimed to be 31-08-2000, attained majority. The petitioner cannot, therefore, claim the benefit of juvenility as he is not accused of a solitary incident but a series of accusations over a period of time have been levelled against him.

FIR had been registered in February, 2020. Challan had been presented against three co-accused. It is beyond comprehension as to why

the remaining co-accused, have not been arrested despite the fact that the petitions for anticipatory bail of all the co-accused (except Supriya) have been rejected by the Courts. It is clear that the remaining co-accused are on the run and have managed to successfully evade their arrest. The Court, therefore, deems it appropriate to call upon the State to file a status report regarding the arrest of the remaining accused.

Considering the nature of allegations, the gravity of offence, the age of the victim and the presumption envisaged under Sections 29 and 30 of POCSO, this Court is not inclined to grant the concession of anticipatory bail to the petitioner. The petition, is accordingly, **dismissed**.

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

Let a status report be filed by the State explaining as to why the other co-accused have not been apprehended till now.

List on 08.04.2021.

(SUVIR SEHGAL)
JUDGE

March 05, 2021
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No