

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH
(Heard through Video Conferencing)**

Crl. Misc.M-7989 of 2021 (O&M)
Date of Decision: 19.2.2021

Balwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner.

JAISHREE THAKUR, J.

The instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 246 dated 8.9.2020, under Sections 354, 352 of the Indian Penal Code and Section 8 of the POCSO Act, 2012 registered at Police Station Sirhali, District Tarn Taran.

Learned counsel for the petitioner submits that the petitioner herein has been falsely implicated in this case, while contending that the petitioner being a granthi of a Gurdwara could not have committed the kind of act complained of.

I have heard learned counsel for the petitioner and perused the paper book.

The complainant, who is about 70 years of age, alleged that on 11.8.2020, his daughter-in-law and her minor daughter aged about 11 years

had gone to Gurdwara Baba Sidhana Sahib for paying obeisance, where his minor grand daughter started service of cleanliness and it was about 4 p.m. when his daughter-in-law heard the shrieks of his daughter from inside the room of the Granthi and when the daughter-in-law Rajwant Kaur entered inside the said room, she saw that the present petitioner was fondling with body part of the minor daughter. When she raised *raula*, the petitioner fled from the scene of occurrence.

The complainant has clearly named the petitioner as a person who was in the process of outraging the modesty of the minor girl. Apart from that, the statement of the minor victim was recorded before the Illaqa Magistrate under Section 164 of the Code of Criminal Procedure, wherein she reiterated the sequence of events as narrated in the FIR. She alleged that the petitioner pulled her inside the room by catching hold of both of her arms. This is not the case of the petitioner that he had any enmity with the complainant party.

Therefore, in view of the serious nature of allegations made in the FIR, the petitioner, who was supposed to treat the victim as his own daughter and should not have indulged in such nefarious activities, does not deserve any leniency. Consequently, the instant petition is dismissed.

19.2.2021
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No