

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.8391 of 2021 (O&M)
Date of Decision.15.03.2021
(Heard through VC)

Rahul Gogna

...Petitioner

Vs

State of Punjab and another

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Ankur Bansal, Advocate
for the complainant.

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JAISHREE THAKUR J. (ORAL)

CRM No.5734 of 2021

Prayer in the application is for adding of offence under Section 12 and 18 of the POCSO Act in the head note and prayer clause of the bail application.

The application is allowed and the amended petition is taken on record.

Main case

This is a petition that has been filed for grant of anticipatory bail in FIR No.121 dated 24.09.2020 under Section 376, 511, 506, 354C IPC and Section 12 and 18 of the POCSO Act registered at Police Station Division No.4, Police Commissionerate, Jalandhar.

Learned counsel for the petitioner has relied upon an affidavit allegedly affirmed by the prosecutrix to the effect that the FIR has been got registered by exerting pressure upon her by her uncle and that she does not

want to pursue the matter.

Learned counsel appearing for the complainant would submit that no such affidavit was ever executed by the prosecutrix.

Counsel for the petitioner would also rely upon the statement given by the prosecutrix under Section 164 Cr.P.C. to contend that no offence of rape had been committed by the petitioner.

However, this Court is not inclined to interfere in the matter taking into account the fact that the affidavit purportedly sworn by the complainant is an unattested document and the execution of the same has been denied by the counsel appearing for the complainant. The allegations in the FIR are serious and even though the complainant has made statement under Section 164 Cr.P.C., this Court is not inclined to extend the extraordinary benefit of anticipatory bail to the petitioner.

Dismissed.

(JAISHREE THAKUR)
JUDGE

March 15, 2021

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No