

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

235

**CRM-M-17980-2021 (O&M)
Decided on : 18.08.2021**

Amit Kumar Singh

... Petitioner(s)

Versus

State of U.T. Chandigarh

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. H.S. Dhindsa, Advocate
for the petitioner(s).

Mr. Anupam Bansal, Addl. PP, UT Chandigarh.

MANJARI NEHRU KAUL, J. (Oral)

CRM-23860-2021

Application filed by the respondent State – UT Chandigarh, is allowed as prayed for subject to all just exceptions. CFSL reports dated 09.01.2020 and 16.10.2020 (Annexures P-1 Colly) are taken on record.

CRM-M-17980-2021

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 435, dated 01.12.2019, registered under Sections 376(3), 506 of IPC and Sections 4, 6 of the POCSO Act, lodged at Police Station Sector 39, Chandigarh.

Learned counsel for the petitioner *inter alia* contends that on account of an old dispute pertaining to the passage in the common land between the family of the victim and the family of the petitioner, he has been falsely implicated in the instant case. He submits that in fact, it was the petitioner, who informed the victim's family about her relationship with the co-accused Bhupinder Rawat @

Soni, however, he was threatened to keep his mouth shut and not to interfere in

their internal matters, else, he would face dire consequences. Further submits that

it was in the aforementioned background that the petitioner was also implicated as one of the accused in the FIR in question. Learned counsel submits that the victim had been changing her statements during different stages of investigation, which further lends credence to his false implication.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by learned counsel for the petitioner. It has been submitted that the victim who is a 13½ years old minor girl was sexually violated by all the accused including the petitioner and the said fact has been categorically reiterated by her in her statement recorded under Section 164 Cr.P.C. It has been further submitted that the victim in the aforementioned statement recorded under Section 164 Cr.P.C. had also stated that she had been put under constant fear and threat to not reveal the said fact to anyone.

I have heard learned counsel for the parties and perused the material on record.

Prima facie, there are specific and very serious allegations levelled against the petitioner of sexually violating the modesty and person of the victim aged 13½ years. This Court is, therefore, not inclined to extend the concession of bail to the petitioner. Petition stands dismissed accordingly. However, anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 18, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*