

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

CRM M-19250 of 2021 (O&M)

Date of Decision: May 28, 2021

Sameer Uddin

...Petitioner

Versus

Union Territory, Chandigarh

... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Jatinder Kumar Puri, Advocate
for the petitioner.

Mr. Shashank Bhandari, Addl. P.P. for U.T.
Chandigarh.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

The petitioner has come in this 1st regular bail application under Section 439 Cr.P.C. in case FIR No. 34 dated 27.03.2021 registered under Sections 354, 354-A, 354-B of IPC and Section 10 of POCSO Act at Police Station Maloya, Chandigarh.

The allegations in this case has been levelled by a minor girl aged between 14/15 years. It is alleged that on 26.03.2021, during evening time two boys who reside in their neighbourhood came and asked for Pasta. As per these allegations when the prosecutrix went inside to get Pasta accused followed her and forcibly removed her clothes and groped her while kissing her as well. It was subsequently the petitioner was identified.

Mr. Jatinder Kumar Puri, learned counsel for the petitioner *inter alia* contends that the petitioner is a young boy and is behind the bars for more than 02 years. It is contended that the family of the prosecutrix is habitual to fleecing the people on false pretext and even on earlier occasions have managed to fleece money from two other persons in similar manner. The counsel has sought to attack the story of the prosecutrix on the premise of being false and fabricated one.

Mr. Shashank Bhandari, Addl. P.P. for U.T. Chandigarh has stoutly opposed the grant of the bail on the grounds that the accused/petitioner as per his own stand is around 21 years of age and as per the allegations had not only groped the minor but has also taken off her clothes and, therefore, allegations falls within the realm of rape and in view of the heinousness of the offence sought dismissal of the petition.

Be so as it may, the prosecutrix happens to be a minor girl aged between 14/15 years. The prima facie allegations hover around taking off clothes of the prosecutrix and of groping as well as kissing her.

In view of the seriousness of the allegations, this Court is not inclined to allow the bail and petition, accordingly, stands dismissed.

May 28, 2021

amit rana

(FATEH DEEP SINGH)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No