

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

CRM-M-20889-2021

Date of Decision: 19.08.2021

SUKCHAIN SINGH

.....Petitioner

V/s.

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. Jaswinder Singh Grewal, Advocate,
for the petitioner.

Mr. Luvinder Sofat, Assistant Advocate General, Punjab.

Mr. Veneet Sharma, Advocate,
for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in a case FIR No.35, dated 13.03.2021 lodged under Sections 354, 354-B, 354-D of the Indian Penal Code, 1860, Section 12 of the POCSO Act, 2012 and under Section 3 of the SC and ST Act, 1989 registered at Police Station Bahawala, Tehsil Abohar, District Fazilka, Punjab.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been in custody since 14.03.2021 on the allegations that the petitioner, who had been keeping an evil eye on the victim aged 14 years for a long time, came from behind and after forcibly holding her, planted a kiss on her. Learned counsel for the petitioner submits that totally false allegations have been levelled against the petitioner as due to the outbreak of the pandemic COVID-19 all the schools were closed and hence it could not have been possible for the petitioner to stop her and kiss her while she was on way to school as alleged in the FIR. It has been further submitted

that there is no likelihood of the trial concluding in the near future as only charges have been framed so far.

Per contra, learned State counsel, on instructions from SI Ravinder Singh, has vehemently opposed the prayer and submissions made by the learned counsel for the petitioner by urging that the petitioner had been continuously harassing and blackmailing the minor girl for a long time. He submits that despite warnings having been given to him, the petitioner continued to stalk and harass the victim. It has further been submitted that the prosecution evidence is yet to commence and if the petitioner is enlarged on bail, there is every likelihood of material witnesses being influenced or evidence being tampered with by him.

I have heard learned counsel for the parties and perused the material on record with their able assistance.

Prima facie, there are serious and specific allegations leveled against the petitioner in the FIR in question of indulging in sexual harassment, chasing and outraging modesty of a minor girl. In the circumstances, the petitioner does not deserve the concession of bail and thus, the instant petition is dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 19, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

<i>Whether speaking / reasoned</i>	:	<i>Yes /No.</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>