

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

(201)

CRM-M-22291-2021(O&M)

DATE OF DECISION:- 01.12.2021

CHARAN SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. P.S. Baidwan, Advocate for
Mr. Bikram Jit Singh Randhawa, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab
for respondent-State.

Mr. Naveen Batra, Advocate
for the complainant-proposed respondent No.2.

SUVIR SEHGAL, J. (ORAL)

CRM-20728-2021

Prayer in the application is for impleading the complainant as
party respondent No.2.

Notice of the application was issued to the non-applicants on
27.07.2021, however, no reply has been filed.

For the reasons given in the application, it is allowed.

The complainant is ordered to be impleaded as respondent
No.2.

Amended Memo of Parties is taken on record.

CRM-M-22291-2021

Vide the instant petition filed under Section 438 of the Code of Criminal Procedure, 1973, the petitioner seeks grant of pre-arrest bail in case registered vide FIR No.0066 dated 18.05.2021 under Section 354 of the Indian Penal Code, 1860 and Section 10 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Kiratpur Sahib, District Rupnagar, Annexure P-1.

As per the case of the prosecution, FIR, Annexure P-1, came to be registered on the statement of a school going minor girl (name withheld, hereinafter referred to as the victim/prosecutrix) on the allegation that on 16.05.2021 at 11:00 A.M., she along with her brother went to the shop of Charan Singh (present petitioner) to buy some paper for crafting as she was learning stitching. When she reached the shop, Charan Singh called her inside, forcibly caught her and molested her. She resisted him, but Charan Singh tried to roll down the shutter of the shop, whereupon she pushed him and saved herself. Her brother raised an alarm and they ran back home where she disclosed the incident to her mother. Her father had gone out of station and when he returned, they came to the Police Station to report the matter.

Counsel for the petitioner has urged that the petitioner is 62 years old senior citizen and an elected member of the Panchayat. He submits that the FIR has been lodged on the basis of false allegation as the General Mercandise shop of the petitioner was closed during the lockdown period and the family of the prosecutrix had

outstanding credit had of Rs.12,000/- and when the petitioner demanded the amount from the parents of the complainant, they implicated him in the present case. He submits that there is a delay of two days in lodging of the FIR for which there is no explanation. He submits that in compliance of the order passed by this Court, whereby the petitioner has been granted interim bail, he has joined the investigation and the challan stands filed.

Opposing the petition, State counsel, who is assisted by Mr. Naveen Batra, Advocate, counsel for the complainant, has submitted that the petitioner is accused of a serious offence of molesting a minor girl. Reference has been made to the statement of the 16 year victim recorded under Section 164 Cr.P.C. Upon instructions from, SI Harwinder Kaur, State counsel submits that during investigation, it has been found that the petitioner had violated the lockdown restrictions and kept his shop open as a consequence of which, offence under Section 188, IPC has been added.

Heard counsel for the parties.

While granting interim protection to the petitioner, this Court passed the following order on 07.07.2021:-

“Counsel for the petitioner herein prays for grant of anticipatory bail to the petitioner, while contending that he has been falsely implicated in the present case. Counsel for the petitioner would contend that the allegations as set out in the FIR pertain to an alleged incident having taken place on 16.05.2021, which was a Sunday and as per the orders of the District Magistrate, there was a strict lock down.

Notice of motion for 01.12.2021.

At this stage, Ms. Jaspreet Kaur, AAG Punjab, who is appearing through the medium of video conferencing, accepts notice on behalf of the respondent-State.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, in the event of arrest the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

The victim has levelled serious and grave allegations against the petitioner in her complaint, which is duly supported by her in her statement, recorded under Section 164 Cr.P.C. The petitioner tried to take advantage of a minor girl, who had come to his shop to make purchases. The argument raised by the counsel for the petitioner that the complainant is politically motivated or that the family of the victim had made purchases on credit is of no avail as the petitioner has not been able to refer to any material or document to substantiate his argument. The delay in lodging the complaint has been explained. The sole ground, which prevailed with this Court while granting interim protection to him, no longer survives as the petitioner has been found to have been running the commercial establishment in violation of lockdown restrictions. Still further, it deserves to be noticed that the petitioner appears to be an influential

person and there is a possibility that he may try to influence the minor victim, who is yet to step into the witness box.

Keeping in view the totality of the facts and circumstances, this Court does not deem it appropriate to extend the interim bail granted to the petitioner.

Petition is accordingly dismissed.

However, keeping in view the fact that the petitioner has been on interim bail since 07.07.2021, the petitioner is granted time till 16.12.2021 to surrender.

(SUVIR SEHGAL)
JUDGE

01.12.2021
Kamal

Whether speaking/ reasoned	Yes/ No
Whether Reportable	Yes/ No