

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

CRM-M-20506-2019 (O&M)

Date of Decision: 03.09.2021.

NISHANT CHOHAN

.....Petitioner

V/s.

STATE OF PUNJAB

.....Respondent

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

(Through Video Conferencing)

Present: Mr. Chander Shekhar Sharma, Advocate, for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in a case FIR No.220 dated 30.08.2018, lodged under Sections 342, 376 of the Indian Penal Code, 1860 and Section 12 of the POCSO Act, 2012 registered at Police Station Kapurthala, District Kapurthala, Punjab.

Learned counsel for the petitioner submits that a false and fabricated case has been planted upon the petitioner on the allegations that he tried to sexually assault the modesty and person of the victim, aged 11 years. He further submits that an unbelievable story which has been put forth because the petitioner was just 14 years of age at the time of alleged occurrence and thus it could not be digested that he would have committed the crime in question. It has been further submitted that subsequent to the registration of the FIR in question, the mother of the victim has amicably settled the matter with the petitioner vide compromise dated 13.02.2019 (Annexure P-2).

Per contra, learned State counsel has vehemently opposed the prayer and submissions of the learned counsel for the petitioner. He, on

instructions from ASI Harpashad has apprised the Court that there are serious and specific allegations against the petitioner of having sexually assaulted and violated the person and modesty of a minor aged just 11 years. Still further, he has submitted that when the victim resisted the sexual assault, the petitioner beat her up with an iron rod. Learned State counsel has submitted that the factum of sexual assault and the subsequent physical assault finds due corroboration from the medico legal report (MLR) as well as the FSL report. He has submitted that as per the FSL report, spermatozoa of the petitioner was detected in the exhibits sent by the Investigating Agency.

In view of the aforesaid facts and circumstances, no ground is made out to extend the concession of bail to the petitioner as prima facie there are serious allegations against the petitioner of violating the modesty and person of a victim aged 11 years.

Petition stands dismissed.

September 3, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

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