

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.27872 of 2021

Date of Decision: 29.09.2021

Daljinder Singh alias Dajji

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

Present: Mr. Kamalpreet Bawa, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

MANJARI NEHRU KAUL, J.

The instant petition has been filed under Section 439 Cr.P.C. for grant of concession of regular bail to the petitioner in case FIR No.05, dated 21.01.2021, under Section 376 AB of Indian Penal Code and Section 6 of The Protection of Children from Sexual Offence Act, 2012 registered at Police Station Ajitwal, District Moga.

Learned counsel for the petitioner submits that the false implication of the petitioner in the case in hand finds support from the fact that there was no Medico Legal Report to support the allegations of rape against the petitioner. A prayer has therefore been made to extend the concession of bail to the petitioner as only challan stands presented and there is no likelihood of the trial concluding in the near future.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. Learned State counsel, on instructions from ASI Manpreet Kaur, has apprised the Court that there were serious and specific allegations levelled against the petitioner in the FIR

in question which had been reiterated by the victim in her statement recorded

under Section 164 Cr.P.C. He submits that the petitioner had indulged in highly inappropriate behaviour with the victim, aged 11 years in the dining hall of her school and had sexually assaulted and violated her person.

Learned State counsel while inviting the attention of this Court to the contents of the FIR has submitted that it was a case of attempted rape wherein the petitioner had touched the victim inappropriately on her private parts and on a hue & cry raised by the victim, he had fled. It was submitted that in this background the absence of any medical evidence qua rape would be inconsequential.

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

In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner as prima facie, there are serious and specific allegations against the petitioner of sexually violating the person of a minor girl aged 11 years while she was in her school.

The petition stands 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.

(MANJARI NEHRU KAUL)
JUDGE

29.09.2021
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No