

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

CRM-M No.31378 of 2021 (O&M)

Date of Decision:06.08.2021

(Heard through VC)

Baljeet alias Baleet Masih

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab.

Mr. Deepak Arora, Advocate
for the complainant.

JAISHREE THAKUR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.46 dated 21.06.2021 under Sections 376 IPC and Section 6 of the POCSO Act registered at Police Station Purana Shalla, District Gurdaspur.

Counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the said matter. It is argued that as per statement of the prosecutrix herself, she had developed a friendship with the petitioner and had gone to his house at 1 AM in the morning when his entire family was sleeping, which would indicate that she had voluntarily developed physical relationship with him. It is further argued that the prosecutrix studying in 12th class would be able to discern what is good or bad for her.

Notice of motion.

Mr. A.S. Gill, Sr. DAG, Punjab, who is present through the medium of video conferencing, accepts notice on behalf of the respondent-State and would submit that the prosecutrix is a minor, who was enticed by Baljeet to come into his house and he developed physical relationship with the prosecutrix giving her assurance that they would marry. It is also submitted that the prosecutrix being a minor was duped into developing a physical relationship with the petitioner on the presumption that marriage would be solemnized between the two.

I have heard counsel for the parties and keeping in view the fact that there are serious allegations of committing rape upon a minor on the pretext of marriage, no ground would be made out for grant of anticipatory bail to the petitioner. The investigation is at its nascent stage and in case, the petitioner is granted bail, there is every likelihood that he would try to hamper the proceedings of the investigation and would also try to influence the prosecution witnesses.

Consequently, the instant petition stands dismissed.

August 06, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No