104 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-30865-2021
Date of decision : 20.08.2021

Parveen @ Parveen Singh ..... Petitioner

versus

State of Punjab ..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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Present :- Mr. Gurmandeep Singh Sullar, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

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RAJESH BHARDWAJ, J.

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.294 dated 08.09.2019, under Sections 376 IPC, 1860 and Section 4 of POCSO Act, 2012, at Police Station Sohana, District SAS Nagar, Mohali.

The FIR in question was registered by the victim, who is 15 years of age. It has been contended that after the death of father of the victim, she was living with her aunt's (bua) son namely, Parminder Singh and his wife Ramanjit Kaur, for the last five years. She has alleged that as her cousin and her bhabi used to go for their official duties, so in their absence, the petitioner namely, Parveen @ Parveen Singh, who was the caretaker of that place used to go to their house occasionally and she never liked him. She had further alleged that taking benefit of the absence of her cousin and bhabi, the petitioner came to her house on the excuse of

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drinking water and he developed the physical relations with the victim without her consent. After the registration of the FIR, the petitioner was required for the investigation. However, he could not be arrested till date. The petitioner approached the learned Additional Sessions Judge for the grant of anticipatory bail wherein the learned Additional Sessions Judge after hearing counsel for the parties and perusing the record, dismissed the same vide order dated 7th July, 2021.

Aggrieved by the same, the petitioner has approached this Court by way of filing this present petition.

Counsel for the petitioner contends that the petitioner is innocent and he has been falsely implicated in this FIR. He contends that the petitioner is the caretaker and a respected person of the society and he has been roped in on the basis of false allegations. He further contends that no case for the custodial interrogation is made out and he is ready to cooperate with the investigation.

On the other hand, learned State counsel has vehemently oppose the contentions raised by counsel for the petitioner and has submitted that the occurrence in question has taken place in 2019 and till date the petitioner is at large. He submits that in view of the serious allegations, the petitioner is required for custodial interrogation and thus, he does not deserve the concession of anticipatory bail.

I have heard counsel for the parties and perused the record.

There is no gainsaying that the prosecutrix is 15 years of age and thus, her consent would be immaterial in the facts and circumstances of the case. The allegations pertains to heinous offence wherein the petitioner has been specifically alleged to have raped the victim without

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her consent. It is evident that the petitioner is evading arrest from the last about two years. The facts and circumstances of the case when viewed on the anvil of the parameters for grant of anticipatory bail under Section 438 Cr.P.C., the case in hand fails to qualify the same. Granting anticipatory bail to the petitioner would scuttle the investigation. As a result, the petition being devoid of any merits, deserves to be dismissed.

Ordered accordingly.

(RAJESH BHARDWAJ)
JUDGE

20.08.2021
m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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