

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-36450-2021
Decided on : 10.09.2021

Aman

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gourave Bhayyia Gilhotra, Advocate
for the petitioner.

Mr. P.S.Walia, AAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.15 dated 10.01.2020 under Sections 354A(1)(A), 34 and 506 IPC 1860 and Section 8 of POCSO Act (Section 10 of POCSO Act added later on while Section 8 of POCSO Act was deleted) registered at Police Station Division No.7 District Ludhiana.

While inviting the attention of this Court to the FIR in question, learned State counsel has submitted that the victim was a student of 7th Class. It has been submitted that all the accused including the petitioner had been stalking and misbehaving with the victim much prior to the registration of the FIR in question. On New Year's eve all the accused including the petitioner indulged in inappropriate and obscene behaviour with the victim while she was with her friends at a party which attracted the mother of the victim to the spot. The mother of the victim too was not spared and was instead abused and threatened by all the accused including the petitioner.

He, on instructions from ASI Resham Singh has further apprised the Court that the other accused, who are friends of the petitioner and who were accompanying the petitioner, were people of criminal antecedents. He has, thus, opposed the grant of anticipatory bail to the petitioner.

Heard and perused the material available on record.

Prima facie since there are serious allegations levelled against the petitioner of stalking and indulging in inappropriate and obscene behaviour with the victim, aged about 14-15 years, this Court is not inclined to extend the concession of anticipatory bail to the petitioner.

Accordingly, the present petition stands dismissed.

A prayer has been made by learned counsel for the petitioner that the petitioner would appear and surrender before the Court below within one week and move an application for regular bail under Section 439 Cr.P.C, the petitioner may therefore be protected till then.

In view of the specific stand taken by the learned counsel for the petitioner, this petition is disposed of with direction to the trial Court that in case the petitioner appears and surrenders before the Court below within a week from today and moves an application for bail under Section 439 Cr.PC, the Court concerned shall decide the same in accordance with law, preferably within a period of ten days. However, it is made clear that in case the petitioner fails to appear and surrender before the Court concerned within the stipulated period, this order shall be of no avail to him.

(MANJARI NEHRU KAUL)
JUDGE

10.09.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No