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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38486-2021

Date of Decision: November 24, 2021

Sher Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Sunny Singla, Advocate for the petitioner.

Ms.Sakshi Bakshi, AAG, Punjab.

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RAJESH BHARDWAJ, J.

Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.70, dated 30.06.2021, under Sections 376, 376(2), 511, 120-B IPC and Section 6 of the POCSO Act, 2012, registered at Police Station Sadar Ahmedgarh, District Sangrur.

As per the factual matrix of the case, the FIR was lodged by Jaswant Singh s/o Sukhdev Singh. It was alleged that complainant is the resident of Kanganwal, Police Station Sadar, Ahmedgarh and doing the work of labourer. His daughter, whose date of birth is 20.11.2005, was studying in +1 standard. On 23.06.2021, he was sleeping in one room and their daughter was sleeping in another. When they woke up at 6 O' clock on 24.06.2021, his daughter was not present. It was alleged that his daughter has been enticed away by some unknown person on the pretext of marriage and she is not traceable and she be traced and action be taken against the culprits.

The investigation commenced and the petitioner was named during the investigation.

Apprehending his arrest, the petitioner approached learned Additional Sessions Judge, Sangrur, for grant of anticipatory bail, who after hearing the parties declined the same vide its order dated 27.08.2021. Aggrieved by the same, the petitioner has approached this Court.

It has been contended by learned counsel for the petitioner that petitioner has been falsely implicated in the FIR as the allegations levelled are totally false and frivolous. He submits that the petitioner is grand-father of the prosecutrix and is about 80 years of age. He submits that in the light of the allegations levelled, no case for custodial interrogation is made out and hence, the petitioner be granted anticipatory bail.

The notice in this case was issued and the State was directed to file status report. The status report was filed by way of Harvinder Singh, PPS, Deputy Superintendent of Police, Sub Division Ahmedgarh, District Malerkotla.

Learned State counsel vehemently opposed the prayer made by the learned counsel for the petitioner and drawn attention of this Court to the statement under Section 164 Cr.P.C. made by the prosecutrix. It has been deposed by the prosecutrix that Gurpreet Singh committed rape with her 7/8 years ago. She further deposed that Sher Singh, i.e. the petitioner, who is father-in-law of her Taya had tried to commit rape with her many times but remained unsuccessful. She further deposed that Sher Singh used to ask her to develop physical relations with him. It was further deposed that her father Jaswant Singh also tried to commit rape with her forcibly while injecting her with intoxic substance. It was further deposed that her mother advised her

that she should come to her at village Tumber Bhan. On 24.06.2021, Imran Khan alias Laddi dropped her at Bus Stand from where she reached to her mother.

Learned State counsel argued that the allegations against the petitioner are serious in nature and he does not deserve any leniency.

Heard.

Evidently, the prosecutrix is 15 years of age and thus a minor. There are categorical allegations against the family members including the petitioner. The statement recorded under Section 164 Cr.P.C. further substantiates the allegations made against the petitioner. The investigation is at threshold and hence a thorough probe is required to find the veracity of the allegations. Weighing the facts and circumstances of the present case on the anvil of the conditions enumerated under Section 438(1) Cr.P.C., petitioner does not qualify for grant of anticipatory bail.

Hence, the petition being devoid of any merit is hereby dismissed.

November 24, 2021
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(RAJESH BHARDWAJ)
JUDGE

1. Whether speaking/reasoned ?
2. Whether reportable ?

Yes/No
Yes/No