

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

CRM-M-43886-2021 (O&M)
Decided on : 16.12.2021

Roshan Kumar @ Raghu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sham Lal Bhalla, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

CRM-43127-2021

Application is allowed as prayed for and order dated 12.11.2021 (Annexure P-5) is taken on record subject to all just exceptions.

Main case

Instant petition has been filed under Section 439 Cr.Pc for grant of regular bail to the petitioner in case FIR No.35 dated 28.02.2021 under Sections 342, 376, 506, 120-B IPC and Section 4 of POCSO Act, 2012 registered at Police Station City Jagraon District Ludhiana Rural.

Learned counsel for the petitioner submits that the petitioner, who has been in custody since 28.02.2021, has been falsely implicated in the case in hand on the basis of a complaint made by mother of the victim, aged 16 years. He further submits that a highly improbable story has been brought forth in the FIR in question that during lockdown when her daughter went to meet her father (complainant's former husband) he along

with his second wife and others after putting her under threat forced her into immoral activities. It was submitted that it could not be believed that even her step brother i.e. co-accused forcibly established physical relations with the victim on a couple of occasions and thereafter left her with the petitioner. Learned counsel submits that the victim had been left in the house of the petitioner as a help since his wife was pregnant and not for immoral activities as had been alleged by the complainant. He still further submits that all the allegations were mere hearsay as the victim had declined to get herself medically examined after the registration of the FIR in question. It has also been submitted that in fact FIR had been got registered on account of complainant's strained relations with her former husband. Learned counsel submits that two of the co-accused had been extended the concession of bail by the trial Court and hence, he may also be extended the concession of bail.

Per contra, learned State counsel while vehemently opposing the prayer and submissions made by counsel opposite has submitted that while at her father's place the victim telephonically called her mother and told her as to how she was threatened and forced into immoral activities by all the accused including the petitioner. Learned State counsel, on instructions from ASI Sukhwinder Singh, submits that in her statement recorded under Section 164 Cr.PC the victim had reiterated all the allegations against all the accused including the petitioner. He, on further instructions submits that prosecution evidence has not yet commenced and in the wake of heinous crime committed by all the accused including the petitioner, he be not extended the concession of bail.

Heard learned counsel for the parties and perused the material

available on record.

Prima facie there are serious and specific allegations against the petitioner of having forced a minor into immoral activities for which this Court does not deem it appropriate to extend the concession of bail to the petitioner.

Accordingly, the present 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

16.12.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No