

213

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

CRM-M-44309-2021

Date of Decision: November 10, 2021

Deepak Shah

.....Petitioner

Versus

State of UT, Chandigarh

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Mohit Garg, Advocate for the petitioner.

Ms.Vasundara Dalal Anand, APP, UT, Chandigarh.

Ms.Ritu Punj, Advocate for the complainant.

.....

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.148, dated 18.09.2021, under Sections 341, 354, 354-D, 324, 506 IPC, registered at Police Station South, Sector 34, Chandigarh.

As per the factual matrix of the case, the FIR in question was lodged by the prosecutrix on the basis of the allegations that she is 14 years of age and is living with her parents. On 08.09.2021, while she was going with her sister from the Government Model Senior Secondary School, Sector 33, Chandigarh, at the time of closing of the school, a boy namely, Lakha stopped her on the way and slapped her. He held her from her hair and threatened. The prosecutrix somehow managed to get herself free but Lakha followed her and gave her the knife blow on her hand. She called her mother, who took her to the Civil Hospital, Sector 45, for treatment. The present FIR was lodged for taking legal action against Lakha.

The petitioner is Deepak Shah @ Lakha, who apprehending his arrest, approached the Fast Track Court, Chandigarh, for grant of anticipatory bail, who after hearing, declined the same vide her order dated 01.10.2021. Aggrieved by the same, the petitioner approached this Court for grant of anticipatory bail.

Counsel for the petitioner contends that the petitioner has been falsely implicated in the FIR and almost all the offences alleged are bailable. He submits that petitioner is a young boy who has been maliciously implicated in the FIR. He would submit that no case for custodial interrogation is made out, however, petitioner is ready to join investigation and abide by all the terms and conditions of the anticipatory bail.

I have heard learned counsel for the parties and perused the record made available.

It is apparent from the facts of the case that the prosecutrix is a minor girl, 14 years of age. Allegations levelled against the petitioner are very specific and serious in nature. The discretion under Section 438 Cr.P.C. is to be exercised sparingly subject to the conditions that the Court is convinced that the accused would not flee from the investigation and would not scuttle the on going investigation.

In the facts and circumstances of the case, this Court finds that conduct of the petitioner do not qualify for extending the benefit of anticipatory bail under Section 438 Cr.P.C.

The petition being devoid of any merit is, hereby, dismissed.

November 10, 2021

meenuss

(RAJESH BHARDWAJ)

JUDGE

1. Whether speaking/reasoned ?

Yes/No

2. Whether reportable ?

Yes/No