

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

224

CRM-M-3775-2022 (O&M)

Date of Decision: 24.05.2022

LAKHVEER SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. PKS Phoolka, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.139 dated 06.07.2021, registered under Section 377 IPC; Sections 3 and 4 of the POCSO Act and Section 67(A) of the IT Act, at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

Learned counsel for the petitioner would argue that the petitioner has falsely been implicated in the present case; that there is no medical evidence to support the allegations contained in the FIR that the petitioner and co-accused had done the alleged offence with the victim and that even the Additional Sessions Judge, Sri Muktsar Sahib, has dismissed the bail application of the petitioner on the presumption that if released on bail, the petitioner would threaten the victim and other

witnesses. It is further submitted that the petitioner has been in custody since 07.07.2021; that no recovery is to be effected from the petitioner and that further incarceration of the petitioner is not justified.

On the other hand, learned State counsel contends that the allegations against the petitioner and the co-accused are very serious; that they had committed the offence with a minor child of 10 years old and that the parents of the victim being from a labour class, cannot be expected to falsely implicate the petitioner and co-accused, as they have no axe to grind and no motive has been attributed to them for the said act. It is further contended that the crime committed by the accused is against the society at large and hence, the petitioner is not entitled to grant of bail.

Having heard learned counsel for the parties, I do not find any merit in the present petition.

The victim is a minor boy of 10 years of age. Though the petitioner pleads false implication, yet no motive on the part of the victim's family has been pointed out, for such false implication. This makes it apparent that the victim has, indeed been subjected to culpability of the crime. The crimes against children are increasing day by day thereby putting a scar in their minds for all time to come and ruining their life. Thus, mere long custody period of the accused is no ground to take a lenient view, when the victim and his family belongs to a lower strata of Society and there is not only every likelihood of the accused tampering

with the evidence or winning over the witnesses, but chances are also there that the accused would involve himself in other crimes of similar nature.

In view of the above, no case is made out to grant the concession of bail to the petitioner.

Dismissed.

24.05.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

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