

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

**102**

(Through Video Conferencing)

**CRM-M-5619-2022**

**Date of decision: 10.02.2022**

Manpreet Singh @ Money

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Rishu Mahajan, Advocate for the petitioner.

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**MANJARI NEHRU KAUL, J. (ORAL)**

The petitioner is seeking concession of anticipatory bail to in case FIR No.2 dated 04.01.2022 under Sections 376, 511, 354 and 506 IPC (Section 14 of the POCSO Act added lateron) registered at Police Station Kathu Nangal, District Amritsar.

Learned counsel for the petitioner submits that totally false allegations have been levelled against him in the instant FIR as no occurrence as alleged even took place. He submits that there was a history of some animosity between the petitioner and the son of a former Sarpanch and since the complainant was an associate of the Sarpanch, a concocted story had been brought forth that the petitioner after entering into the complainant's house had indulged in inappropriate behaviour, violated the person of his daughter, aged 15 years and after clicking her obscene pictures fled away. Learned counsel submits that it cannot be digested that the petitioner would have mustered the courage to intrude into the house of the complainant

and commit the alleged crime when as per the version of the complainant himself, his maternal aunt and cousin were present in the house. Learned counsel submits that assuming for the sake of arguments, though his submissions are otherwise, the petitioner had indeed violated the person of the victim, it was discernible that the victim was a consenting party as she did not raise any hue and cry while she was being allegedly raped.

I have heard learned counsel for the petitioner and perused the material on record.

Prima facie there are serious and specific allegations against the petitioner of not only entering the house of the complainant but violating the person of his 15 years old daughter and thereafter taking her obscene pictures on his mobile phone. A perusal of the FIR also reveals that even prior to the crime in question, the petitioner had been indulging in inappropriate behaviour and harassing the victim. Even assuming that the victim may have been a consenting party, her consent would be of no consequence being a minor.

Coming to the next contention of learned counsel that it was on account of some animosity between the petitioner and the son of a former sarpanch of the village, the complainant had planted a false case upon the petitioner is hard to digest and would be best left to the investigation agency to look into the same, during their investigation.

This Court is thus not inclined to extend the extraordinary concession of anticipatory bail to the petitioner as his custodial interrogation in the facts and circumstances of the case seems imperative.

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.

10.02.2022

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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