

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.244

CRM-M-13047-2022

Date of decision: 08.04.2022

Mukhtiar Singh @ Mithu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Pawan Attri, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. Karan Singh, Advocate
for the complainant.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.0327 dated 20.12.2021 registered under Sections 354, 354-A, 354-D, 376, 511, 506, 341, 34 IPC and Section 8 of the Protection of Children from Sexual Offenses Act, 2012 at Police Station Rajound, District Kaithal.

The complainant filed a complaint with the police that the petitioner was circulating obscene material with regard to her minor daughter and that on one occasion, the petitioner and his co-accused had also waylaid her daughter and after molesting her had fled the scene after threatening to kill her. On the statement of the victim's mother the FIR in question was registered.

The victim was then produced before a Magistrate before whom she inter-alia stated that on 31.08.2021, at 7.30 P.M., when

she was out for a walk, the petitioner, alongwith his co-accused, obstructed her way. Then the petitioner asked the victim to befriend him. On her refusal he caught hold of her hand and after taking out his phone made her see certain obscene material pertaining to her. He then threatened her that in case the victim did not succumb to his demands he would circulate such material. The victim refused to the advances by the petitioner. On such refusal, co-accused Bajinder Singh put his hand on her breast and co-accused Lakhwinder pulled her Dupatta and put his hand on her waist. At the same time co-accused Mehar Singh pulled the victim's shirt. When she screamed they threatened her and fled the scene. Next day, a Panchayat was held where the petitioner and his co-accused admitted their fault and felt sorry. However, they continued to sent vulgar messages on the victim's and her mother's phone.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as a few days prior to the lodging of the FIR in question a FIR under Section 306 IPC had been lodged against the victim's mother; such FIR has been lodged as the father of the one of the co-accused had committed suicide; there is no medical evidence to support the case of the prosecution; there is no other criminal case pending against the petitioner; a similar complaint was enquired into by the police and found to be false and that the petitioner is also ready and willing to join and cooperate with the investigation.

Learned State counsel as also learned counsel for the complainant oppose the grant of anticipatory bail to the petitioner on the ground that the petitioner and his co-accused have not only blackmailed a minor girl but have also molested and threatened her.

The victim is a 16 year old girl. She has stated before a Magistrate that the petitioner and his co-accused had violated her in public. Graphics details as to how the petitioner and his co-accused have molested her have been given. Reference has also made by her to the obscene material shown by the petitioner to blackmail her to develop physical relations with him. One of the telephone numbers used by the petitioner and his co-accused to blackmail the victim is an international telephone number which is not of any known Indian mobile service provider showing the intricate planning by the petitioner and his co-accused to blackmail and harass the victim.

The above allegations are extremely serious and the Court is informed that due to the same, the victim has even dropped out of her school.

The submission of the learned counsel for the petitioner that similar complaints were enquired into by the police and found to be false, though attracted at first does not stand deeper scrutiny as a perusal of the enquiry report by the police shows that those proceedings were dropped when the mother of the victim had stated that she does not want to press charges. The circumstances under which such statement was made by the complainant is not forthcoming. The police also did not even bother to record the victim's statement.

The other submission with regard to the FIR in question having been got registered as a counter blast to the FIR lodged against the victim's mother under Sections 306 IPC is of also no help to the petitioner as it is the admitted position that even prior to the lodging of the FIR under Section 306 IPC the victim's mother had filed a complaint with the authorities

through which she had highlighted the blackmailing and molestation by the petitioner and his co-accused. Thus, her allegations did not surface for the first time after the lodging of the FIR under Section 306 IPC.

In view of the above discussion, the petitioner is not held entitled to the concession of anticipatory bail.

Dismissed.

April 08, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

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