

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

(204)

CRM-M-18323-2021

DATE OF DECISION:- 25.01.2022

MEHTAB SINGH**...PETITIONER****VERSUS****STATE OF PUNJAB****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present: Mr. Gagandeep Singh Simble, Advocate for the petitioner.

Mr. C.L.Pawar, Senior D.A.G., Punjab
for the respondent-State.

SUVIR SEHGAL, J. (ORAL)

Heard through video conferencing.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in the event of his arrest in FIR No.28 dated 13.02.2020 registered for commission of offences under Sections 363, 366, 376-D, 506 and 120-B of the Indian Penal Code, 1860 and Section 6 of Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act"), at Police Station Civil Lines, Batala, Police District Batala, Gurdaspur, Annexure P-1.

FIR, Annexure P-1, has been registered on the statement of a mother on the allegation that on 11.02.2020 when she came back from school, where she is working as a Peon, she found that her younger daughter (hereinafter referred to as "the victim") was missing. On enquiry, her elder daughter informed her that the victim had gone to the Government Hospital to get medicines for her grandmother, but had not returned. Despite attempts, the complainant could not locate her missing daughter. She lodged the FIR on the suspicion that Mandeep Singh had enticed her daughter on pretext of marriage and he may exploit her or cause serious harm to her.

Victim was recovered and her statement was recorded, wherein she stated that Mandeep Singh wanted to marry her and on 11.02.2020, took her to Amritsar, where he administered some intoxicant to her in a cold drink. He called his friends, Joban, Harman and Golu (present petitioner), who raped her. On the next day, Mandeep Singh took her to a Hotel and raped her, and on 13.02.2020 when they were going towards Mehta, they were intercepted by the police. On the basis of her statement, offences under Section 376-D and 506, IPC and after collected her age proof, offence under Section 6 of POCSO Act, were added.

During the course of arguments, it has transpired that the petitioner has been declared as a “Proclaimed Offender/Person” vide order dated 20.04.2021. This order has been challenged by the petitioner in CRM-M-44037-2021, which is being disposed of separately by an order of even date.

In so far as the present petition is concerned, the same cannot be entertained as it has been held by the Hon’ble Supreme Court in ***Lavesh Versus State (NCT of Delhi), (2012) 8 SCC 730 and Prem Shankar Prasad Versus State of Bihar and another, 2021 SCC Online SC 955*** that when an accused is found to be an absconder and declared as a proclaimed offender, the discretionary relief of anticipatory bail cannot be granted to him.

Petition is accordingly dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression on the merits of the case.

25.01.2022
Kamal

(SUVIR SEHGAL)
JUDGE

Whether speaking/ reasoned	Yes/ No
Whether Reportable	Yes/ No