

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

218

CRM-M-20422 of 2022
Date of decision:07.09.2022

Karamjit Singh @ Kamma

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. B.S. Jaswal, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SUVIR SEHGAL J.

This is the second petition filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No.31 dated 13.04.2020 registered under Sections 363 and 366 of IPC, 1860, however, Section 08 of the Protection of Children from Sexual Offences Act, 2012, (for short “POCSO Act”) and Section 366-A of IPC were added later on, at Police Station Mattewal, Amritsar, Annexure P-1.

Case of the prosecution is that FIR, Annexure P-1, has been registered on the statement of mother of a 15 year old school going girl (for short - “the prosecutrix”) on the allegation that her daughter has been enticed by Karamjit Singh @ Kamma (present petitioner) on the

pretext of marriage. It has been alleged that about three months ago, the petitioner had played a similar mischief with the complainant's daughter and the matter was reported to his father, but the petitioner did not mend his ways.

Heard counsel for the parties.

Prosecutrix was recovered on 14.04.2020 from a *dera* and the petitioner was found to be with her. Her statement was recorded under Section 161 of Cr.P.C. as well as before the Magistrate under Section 164 of Cr.P.C. She was medically examined and in the history of the incident given to the examining doctor, she stated that she has been sexually assaulted. In her testimony, Annexure P-5, the prosecutrix has supported the allegations and has deposed that the petitioner had not only allured her on the pretext of marriage, but had also promised to buy her an expensive mobile phone, kept her in a *dera* of village Mattewal and sexually exploited her. Prosecutrix has been consistent in her stand. Petitioner has not only been specifically named, but is also accused of having committed sexual assault on her. Panchayati certificate, Annexure P-7, relied upon by counsel for the petitioner is of no avail in the light of evidence led by the prosecution. The settled position in law is that the statement of a prosecutrix, which is of sterling quality, does not require any corroboration and is sufficient to convict an accused.

Keeping in view the totality of the facts and circumstances, this Court is not inclined to accept the prayer made in the petition more particularly when there is no change in the circumstances after the dismissal of the first petition vide order dated 22.11.2021, Annexure P-6.

Petition is dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

07.09.2022

sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No