

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CRM-M-25515 of 2022

Judgment reserved on:14.07.2022.

Date of pronouncement:19.07.2022

Gurjit Singh

... Petitioner

Vs.

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Monty Goyal, Advocate  
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Shashi Kumar Yadav, Advocate  
for the complainant.

**SUVIR SEHGAL J.**

Vide the instant petition filed under Section 438 of the Code of Criminal Procedure, 1973 (for short “the Code”), the petitioner has approached this Court seeking bail in the event of his arrest in case FIR No.29 dated 08.04.2022 registered under Section 354-A of Indian Penal Code, 1860 and Section 12 of Protection of Children from Sexual Offences Act, 2012 (for brevity “the POCSO Act”) at Police Station Sadar, Raikot, Tehsil Raikot, District Ludhiana (Annexure P-1).

Case of the prosecution is that FIR, (Annexure P-1), has been registered on a complaint addressed to the Deputy Commissioner, Ludhiana by the prosecutrix, who is a student of 10<sup>th</sup> class of a Government School, alleging that Master Gurjit Singh (present petitioner), was deployed at her school during examination and that he molested her. She has requested that

an appropriate action be taken against the accused.

Counsel for the petitioner has submitted that a first complaint dated 20.12.2021 (Annexure P-1) was submitted by the prosecutrix to the DEO against one Baljinder Singh on the same allegations, which was enquired into and it was found that the allegations against him, were baseless. Counsel has invited the attention of the Court to the enquiry report dated 28.02.2022 (Annexure P-2). He contends that thereafter, a fresh complaint, which resulted into lodging of FIR (Annexure P-1), has been given naming the petitioner with an intention to extort money from him. Counsel submits that the petitioner has been falsely framed.

Per contra, State counsel, who is assisted by counsel for the complainant, upon instructions from ASI Balwinder Singh and by referring to the status report filed by way an affidavit dated 27.06.2022 of Deputy Superintendent of Police, Raikot, District Ludhiana, has opposed the petition. He has submitted that the second complaint submitted by the prosecutrix was enquired into and vide report dated 21.03.2022, SP (OPR-CAW and DCPO) Ludhiana (Rural), found that the petitioner had written the message on the question paper of the prosecutrix and had harassed her. He submits that on the basis of the report and opinion of DA (Legal), Ludhiana, FIR (Annexure P-1) has been registered. He submits that it has been found that the petitioner was on duty in the examination hall, where the complainant was appearing and he had marked his presence in the attendance register. Reference has been made by the State counsel to the statement of the prosecutrix recorded under Section 164 of the Code to submit that she has supported the allegations. Still further, upon instructions,

it has been submitted that the prosecutrix was erroneously given the name of Baljinder Singh by the school authorities. This mistake was rectified and thereafter, complaint against Gurjit Singh, present petitioner, was submitted. It is his case that complainant's father called up the petitioner on his mobile, which has been recorded and the petitioner admitted to having committed a mistake.

I have heard counsel for the parties and considered their respective submissions as well as examined the material on the record.

A young 14 year old school going child of an impressionable age has undergone trauma at the hands of the petitioner. The petitioner is a teacher, who was deputed as an Invigilator at the examination centre where the prosecutrix was appearing for matriculation examination. He is in a position to influence the young prosecutrix and can exploit the situation. In today's times, when women are being encouraged to be independent, a school going girl needs to be given a sense of security so that she can learn, grow and earn without any fear. However, predators, like petitioner, pose a serious threat to young girls and do not deserve any sympathy from the Court. This Court, is therefore, not inclined to exercise the discretionary power in favour of the petitioner.

Keeping in view the totality of the facts and circumstances, nature of allegations, gravity of offence allegedly committed by the petitioner, the intention and objective behind enactment of the POCSO Act, the petitioner does not deserve grant of anticipatory bail.

Petition is, hereby, dismissed.

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

(SUVIR SEHGAL)  
JUDGE

July 19, 2022  
savita

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|---------------------------|-----|
| Whether Speaking/Reasoned | Yes |
| Whether Reportable        | Yes |