

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

209

CRM-M-26280-2022

Date of decision :-01.08.2022

Amarinder Singh @ Maninder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Nirmaljeet Singh Sidhu, Advocate for the petitioner.

Mr. A. S. Gill, AAG, Punjab
for the respondent-State.

SUVIR SEHGAL, J.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short “the Code”) seeking grant of anticipatory bail to the petitioner in case FIR No.37 dated 18.05.2022 registered at Police Station Balianwalia, District Bathinda, Annexure P-1, for offences under Sections 363, 366-A, 354-A and 506 IPC.

Criminal law has been set in motion on the basis of the statement of 16 year old prosecutrix, wherein she has stated that she is a student of senior secondary in a Government school. She came in contact with Maninder Singh, present petitioner, about four-five months ago and they used to talk to each other on mobile phone. About two months back, she had a quarrel with him and about a month earlier, he physically assaulted her. On 17.05.2022, when she went to the house of an uncle, Jagjiwan Singh alias Mani came there and forcibly took her on a motorcycle near a petrol

pump at Gehri where Maninder Singh was waiting. They forcibly took her to Bhunderwala bridge where another person was waiting for them. Maninder Singh alighted from the motorcycle and gave her a blow on her head and Jagjiwan Singh also assaulted her. The third boy made a video recording of the incident. When Maninder insisted on making physical relation with her, she refused, whereupon, she was assaulted again. Jagjiwan fled from the scene on his motorcycle, before she fell unconscious. Upon regaining consciousness, she found that she was in the company of an unidentified person and her parents were called, who took her to a hospital.

Counsel for the petitioner has argued that the petitioner has been falsely involved in the criminal case, the prosecutrix was in an affair with co-accused Jagjiwan Singh. By placing reliance on audio and video recordings, Annexures P-2 and P-3, counsel urges that it was the petitioner, who tried to save the prosecutrix when Jagjiwan was forcibly taking her on his motorcycle.

Per contra, learned State counsel, by placing reliance upon the status report filed by way of affidavit of DSP, Sub Division, Maur, District Bathinda has opposed the petition.

I have heard learned counsel for the parties.

In the status report filed on behalf of the State, it has been mentioned that the medical examination of the prosecutrix was conducted and as per the medico legal report, there is a penetration attempt. The vaginal slabs have been taken and sent to the Forensic Science Laboratory but the report is awaited. The prosecutrix has corroborated the allegations against the accused in her statement under Section 164 of the Code, recorded on 21.05.2022. In her supplementary statement, the prosecutrix has stated

that Jagjiwan Singh brought her to a lonely place where the petitioner sexually assaulted her and used caste-based words. Since the prosecutrix was a minor, her date of birth being 26.03.2006, Section 4 of Protection of Children from Sexual Offences Act, 2012 (for short – “the POCSO Act”) has been added. The addition of offence under the POCSO Act has, however, not been disclosed by the petitioner before this Court. Still further, insofar as the material sought to be relied upon by the petitioner does not deserve any comment at this stage since the genuineness and veracity of the same is yet to be tested. Petitioner, who is accused of having committed a heinous offence on a minor, does not deserve any sympathy from this Court. This Court is, therefore, not inclined to grant the discretionary relief of anticipatory bail to him.

Petition lacks merit and 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.

01.08.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No