

CRM-M-30244 of 2021

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

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CRM-M-30244 of 2021

Date of decision:07.07.2022

Harjinder Singh @ Bablu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. B.R.Rana-I, Advocate
for the petitioner.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

Mr. Shehbaz Singh Thind, Advocate
for the complainant.

SUVIR SEHGAL J.

CRM No.22909 of 2022

For the reasons given in the application, it is allowed.

Testimony of the prosecutrix, who has been examined as PW1, is taken on record as Annexure P-5, in compliance of the order dated 31.03.2022 passed by this Court.

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Vide the instant petition filed under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code.”), the petitioner has approached this Court seeking grant of regular bail in case FIR No.24 dated 22.03.2021 registered at P.S.Daba, Ludhiana (Annexure P-1), for offences under Sections 376(2)(n), 506 IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 (for short “the POCSO Act”).

Case of the prosecution is that FIR (Annexure P-1) has been

registered on the statement of a school going girl, whose date of birth is 27.12.2003. She has stated that Harjinder Singh @ Bablu (present petitioner), was a tenant at her maternal home and was on good relations with the family and used to frequent their house. She used to address him as 'mama'. In August, 2020 when she was alone at her maternal home, petitioner sexually assaulted her and made a video recording. On the threat of circulating the video, Harjinder, who was carrying a pistol, again exploited her in September, 2020. Similar instances took place in October, 2020, November, 2020 and again in February, 2021. On 15.03.2021, she went to her maternal home as she had to appear in an examination. Being under stress, she tried to commit suicide, but fortunately survived. Three days later, when she was brought back home, on the persistence of her family members, she shared her suffering with them.

Counsel for the petitioner has referred to the Whatsapp chat (Annexure P-2), to submit that the petitioner had a cordial relationship with the prosecutrix and rather, she was trying to entice the petitioner. Counsel submits that before registration of the FIR (Annexure P-1), there were financial transactions between the petitioner and mother of the prosecutrix. He submits that due to financial dispute between them, the petitioner has been falsely framed in the case.

Per contra, State counsel, who is being assisted by counsel for the complainant, upon instructions, has opposed the petition by relying upon the statement of the prosecutrix recorded under Section 164 of the Code as well as her testimony.

I have heard counsel for the parties and perused the documents placed on the record with the paper book.

There are categoric allegations against the petitioner, who has been named in the FIR, of sexually assaulting a minor girl. The prosecutrix has been consistent in her stand during her statement recorded under Section 164 of the Code before the Magistrate as well as in her testimony (Annexure P-5). The victim has been treating the petitioner as a family member, but he has breached the trust and faith reposed in him and has repeatedly sexually exploited her.

Reference to the Whatsapp chat (Annexure P-2) and the financial transaction, would not advance the case of the petitioner as the genuineness and veracity of material being relied upon by the petitioner is yet to be tested before the Trial Court.

Keeping in view the nature of allegations, the gravity of offence, consistency in the statement of the minor prosecutrix, this Court is not inclined to extend the concession of bail to the petitioner. The petition *sans* 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.

(SUVIR SEHGAL)
JUDGE

July 07, 2022
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes