

216
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34543-2021
Date of Decision:21.03.2022

Lucky Pandey and others

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Puja Chopra, Advocate, for the petitioners.

Mr. Sidakmeet Sandhu, Assistant Advocate General, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in FIR No.194 dated 04.06.2021, under Section 8 of Protection of Children from Sexual Offence Act, 2012 (POCSO Act), registered at Police Station Civil Lines, Patiala, District Patiala.

The learned counsel for the petitioners has submitted that the petitioners are in custody from 05.06.2021. She further submitted that the investigation of the case has already been completed and although no prosecution witness has been examined in the present case but considering the custody of the petitioners, they may be granted the concession of regular bail. She further submitted that as per the contents of the FIR where the addresses of the petitioners have been stated some of the particulars are

wrong as they were not tenants of some of those premises. She further submitted that the present FIR was lodged on the basis of some personal enmity between the complainant and the petitioners. She further submitted that during investigation it has come that the victim never used to come to the premises.

On the other hand, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has submitted that it is a case where the victim was a boy of the age of 15 years and as per the gravity of the offence which has been alleged in the present FIR the petitioners are not entitled for the grant of regular bail especially in view of the fact that none of the prosecution witness has been examined. He further submitted that as per the allegations collective action was done by all the three petitioners and the present offence is not only serious in nature but is also heinous and, therefore, the petitioners do not deserve the concession of regular bail. He further submitted that there is strong apprehension in case the petitioners are released on bail, then they may influence the witness or may flee from justice.

I have heard the learned counsel for the parties.

Although the investigation of the case has already been completed but no prosecution witness has been examined as yet. No doubt the learned counsel for the petitioners has raised some arguments pertaining to the particulars of the premises mentioned in the FIR but the same cannot become a ground for grant of bail to the petitioners per se in view of the fact that an FIR is not an encyclopedia and it is only at the time of trial that the actual and truthful position comes out. There is no doubt about the fact that the allegations in the FIR are not only serious but can also be categorized

in the category of being a heinous crime. The apprehension expressed by the learned State counsel that in case the petitioners are released on bail, then they may influence the witness or even may abscond cannot be ignored. Therefore, considering the totality and circumstances of the present case, this Court does not deem it fit and proper to grant bail to the petitioners.

Consequently, the present petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

21.03.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No