

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CRM-M-35508 of 2022 (O&M)  
Date of decision:05.12.2022

Charan Singh

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present:- Mr. B.S.Randhawa, Advocate  
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

**SUVIR SEHGAL J.**

**CRM No.45039 of 2022**

Application is allowed as prayed for.

Examination-in-chief of PW-3, is taken on record as  
Annexure P-12.

**Main Case**

This is the second petition filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code”), seeking grant of regular bail in case FIR No.066 dated 18.05.2021 lodged for offence under Section 354, IPC and Section 10 of Protection of Children from Sexual Offences Act, 2012 (for short “the POCSO Act”), wherein Section 188, IPC was added later on, at Police Station Kiratpur Sahib, District Rupnagar (Annexure P-1).

Case of the prosecution is that FIR, Annexure P-1, has been  
registered on the statement of a 16 year old school going girl (hereinafter

referred to as “the minor prosecutrix”), wherein, she stated that her father is a driver and due to lockdown, the school was closed. On 16.05.2021, at 11.00 a.m., she went with her younger brother to the shop of Charan Singh, present petitioner, for making some purchases for craft work. When she reached the shop, Charan Singh, called her inside and caught hold of her and molested her. When she resisted, he tried to pull down the shutter with his other hand, but she managed to push him and save herself. Her brother raised an alarm and they rushed back home where she took her mother into confidence. FIR was lodged after her father, who was out of station, returned and reported the matter to the police.

Counsel for the petitioner has argued that the petitioner has been falsely implicated and the minor prosecutrix's family, who had been making purchases from his shop on credit, refused to make the payment. Counsel submits that as the minor prosecutrix and other material witnesses, have been examined and the petitioner, who is in confinement since 18.01.2022, deserves to be enlarged on bail.

Opposing the petition, State counsel, upon instructions, has submitted that the petitioner is accused of a heinous crime against a minor. He submits that prosecution has closed its evidence and the trial is now fixed for leading evidence in defence.

I have considered the respective submissions made by counsel for the parties.

Petitioner is accused of outraging the modesty of an adolescent, who had come to his shop as a customer. In her statement under Section 164 of the Code, as well as in her testimony as PW-3, the minor prosecutrix has

supported the allegations and has stood by her stand despite the fact that she has been extensively cross-examined. During the course of investigation, offence under Section 188, IPC has been added as the petitioner had disobeyed Govt. instructions regarding closure of all the establishments due to the outbreak of pandemic. The defence set-up by the petitioner would be a subject matter of determination by the Trial Court and is not required to be examined, at this stage. Suffice it to notice that the prosecution has concluded its evidence and the case is at an advanced stage.

In view of the totality of the facts and circumstances, nature of allegations and gravity of offence as well as the stage of the proceedings, this Court is not inclined to accept the prayer made by the petitioner.

Finding no merit in the petition, it 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

December 05, 2022  
savita

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