

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

219

CRM-M-36445-2022

Date of decision :-02.12.2022

Jagjit Singh @ Jagga

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr.Rajbir Singh, Advocatefor the petitioner.

Mr. Aman Dhir, DAG, Punjab
for the respondent-State.

SUVIR SEHGAL, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code”), petitioner has approached this Court seeking grant of regular bail in FIR No.55 dated 26.02.2022 lodged at Police Station Sadar Dhuri, District Sangrur, Annexure P-1, for offence under Section 354, IPC and Section 9 of Protection of Children from Sexual Offences Act, 2012 (for short – “the POCSO Act”) wherein during investigation, Section 9 was deleted and Section 8 of POCSO Act was added.

Case of the prosecution is that FIR, Annexure P-1, has been registered on the statement of father of a 13 year old girl (for short – “minor prosecutrix”) stating that on 25.02.2022 when his daughter came back after attending a nagar kirtan, she looked very nervous and scared. Subsequently, she confided that in the afternoon of the previous day, she got a message from her friend JK that she was being called by Jagjit Singh alias Jagga Singh, present petitioner. When she went to meet him, he indulged in lewd

acts, however, she managed to free herself from his clutches and escaped. On enquiry, the complainant came to know that Jagjit Singh alias Jagga had allured JK by offering her Rs.50/-.

Counsel for the petitioner has argued that the petitioner has been falsely implicated in the criminal case due to village rivalry and there is no witness to the alleged incident. It is his argument that as investigation has been completed, challan has been presented and upon framing of charge, some witnesses have been examined, the petitioner, who is in detention since 01.03.2022, deserves to be released on bail.

On the other hand, learned State counsel upon instructions from ASI Amar has opposed the petition by referring to the statement of the minor prosecutrix recorded before the Magistrate as well as her testimony in the Court.

Having heard counsel for the parties, this Court is of the view that the petitioner is accused of obscene behaviour with the minor prosecutrix. Petitioner, who is a mature person and old enough to be the father of both the victims, has tried to take undue advantage of two young girls. The minor prosecutrix as well as her friend have been examined and they have duly supported the allegations levelled against the petitioner. After deletion of offence under Section 9, POCSO Act, Section 8, ibid has been added and in case the petitioner is found guilty, he can be sentenced to imprisonment, which may extend to five years, besides, fine.

Keeping in view the nature of allegations and the gravity of offence allegedly committed by the petitioner, this Court is not inclined to release him on bail during the pendency of trial.

Being bereft of any merit, petition is ordered to be dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case and the trial shall be concluded uninfluenced by anything said hereinabove.

02.12.2022
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(SUVIR SEHGAL)
JUDGE

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