

KAPOOR CHAND ALIAS BOBY

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Achin Gupta, Advocate for the petitioner.

Mr. C.L.Pawar, Addl. AG Punjab.

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VIVEK PURI, J. (ORAL)

Petitioner is seeking anticipatory bail in case bearing FIR No. 268 dated 14.07.2022 under Sections 354-A, 354-B, 506 IPC and Section 8 of Protection of Children from Sexual Offences Act, registered at Police Station City Faridkot, District Faridkot.

Briefly, the allegations against the petitioner are to the effect that he had been residing in the neighborhood of the victim, who is aged about 12 years. On 13.07.2022, the petitioner was called to the house of the victim for the purpose of repair of the TV. The petitioner disrobed the victim, inappropriately touched her, gave bites and threatened to kill her in the event, she informed the occurrence to anyone.

Learned counsel for the petitioner states that the petitioner is aged about 47 years and residing in the neighborhood of the victim. The case has been registered on the basis of the some previous enmity. Furthermore, a compromise has also been effected between the parties.

On the contrary, learned State counsel has opposed the bail on the score that the petitioner is absconding and the offence is non-compoundable. The victim is aged about 12 years. The petitioner has not joined the investigation despite issuance of notice under Section 41-A of Cr.P.C. and serious allegations have been levelled against him.

At the very outset, it may be mentioned here that even on the assumption that a compromise has been effected, the petitioner cannot be granted extra-ordinary concession of pre-arrest bail particularly, because the victim is aged about 12 years and the offences are non-compoundable. Even the victim is not a party to the compromise. It shall not be appropriate to act upon a compromise, in which the sexual assault upon the victim, who is aged about 12 years, has been sought to be condoned. The allegations as spelt out in the FIR mentioned aforesaid, indicate that serious allegations have been levelled against the petitioner.

Keeping in view the gravity of allegations, more particularly, the age of the victim, no exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

Dismissed.

17.10.2022

Janki

**(VIVEK PURI)
JUDGE**

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