

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-47452-2022

Date of Decision: *November 30, 2022*

Maninder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rishu Mahajan, Advocate,
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

Vivek Puri, J.

The petitioner is seeking anticipatory bail in case bearing FIR No. 88, dated 04.08.2022, under Sections 376/506/120-B of the Indian Penal Code (for short 'IPC') and Sections 3/4/5/6 of the Protection of Children from Sexual Offences Act (for short 'the Act'), registered at Police Station Nakodar City, Jalandhar.

Learned counsel for the petitioner contends that the FIR has been registered on the basis of the statement of the victim wherein no allegation has been attributed against the petitioner and even his name has not been reflected

therein. The subsequent allegations against the petitioner are false and without any basis.

On the contrary, learned State counsel has submitted that the statement of the victim under Section 164 Cr.P.C. has also been recorded. There are serious allegations leveled against the petitioner, who has committed penetrative sexual assault upon the victim, who was minor during the relevant period. The investigation qua Jyoti and Usha, co-accused, is complete and challan has been presented. However, the investigation qua the petitioner, Gora, Bunty, Geeta, Shukhdev Singh and Paramjit @ Kala is still pending.

It may be mentioned here that precisely, the FIR has been registered on the allegation that the victim had visited the house of her friends, Jyoti and Geeta. Their mother Usha and brothers Bunty and Gora were also present in the house. The victim was taken in a room by Gora and made forcible physical relations with the victim. After some time, Gora opened the door of the room and went away. After 5 minutes, Usha along with Jyoti and Geeta entered the room and victim was threatened that her entire family will be eliminated in the event she disclosed the incident to anyone. Even on subsequent occasion, the rape was committed upon the victim.

Although the name of the petitioner has not been specified in the FIR, but his name has been categorically and specifically mentioned by the victim in her statement under Section 164 Cr.P.C. There are allegations to the effect that the obscene videos of the victim were also prepared and she was blackmailed by threatening that the videos will be made viral. The victim was subjected to trafficking and even the petitioner had committed rape upon her.

Keeping in view the categoric and specific allegations attributed against the petitioner by the victim in her statement under Section 164 Cr.P.C., the matter requires thorough probe and investigation. Merely because the name of the petitioner has not been specified in the FIR cannot be construed as a circumstance to conclude that he is being falsely implicated. The contents of the FIR cannot be termed to be encyclopedia of the entire case. The supplementary statement also indicates that the victim was being blackmailed and threatened on the pretext that her obscene videos will be made viral. The lurking fear in the mind of the victim might have prevented her to disclose with regard to the entire incident in the first version of the case.

In the peculiar circumstances of the case and keeping in view the allegations attributed against the petitioner, his custodial interrogation appears to be essential for the proper investigation of the case. As such, no

exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

Present petition is dismissed, accordingly.

November 30, 2022

vk

(Vivek Puri)
Judge

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