

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

(104)

**CRM-M-55334-2022
DATE OF DECISION:- 30.11.2022**

KAKA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Simranjeet Singh Sarwara, Advocate
for the petitioner.

Mr. P.S.Grewal, DAG, Punjab
for the State-respondent.

SUVIR SEHGAL, J. (ORAL)

By way of the instant petition filed under Section 438 of the Code of Criminal Procedure, 1973 (for short “the Code”), petitioner has approached this Court seeking grant of pre-arrest bail in FIR No.60 dated 07.04.2022, lodged at Police Station Lalru, District SAS Nagar, Mohali, Annexure P-1, for offences under Sections 363, 366-A, 354, 354-B of the Indian Penal Code, 1860 and Section 8 and 10 of Protection of Children from Sexual Offences Act, 2012 (for short “the POCSO Act”).

Version of the prosecution is that FIR, Annexure P-1, has been registered on the statement of mother of a sixteen year old girl (hereinafter referred to as “the victim”) on the allegation that on 05.04.2022, when she came back from her work, she found that her daughter, who had not been going to school for the last 2-3 days was missing. An amount of Rs.30,000/- was also found to be missing from

the box kept in the house. She suspected Mandeep Singh, brother of her son-law, to have enticed her. Later, she came to know that her daughter and Mandeep Singh were at a Police Station in Karnal.

Counsel for the petitioner has argued that the victim is the daughter of his deceased brother and petitioner has been looking after her as well as her widowed mother. He has argued that petitioner is not named in the FIR and has been falsely embroiled in the criminal case as he had objected to the relationship of the victim with Mandeep Singh. Reliance has been placed by him on order dated 17.06.2022, Annexure P-2, whereby co-accused has been released on regular bail.

While opposing the petition, upon instructions, State counsel has referred to the statement of the victim recorded under Section 164 of the Code and has submitted that the petitioner has exploited the victim. He has sought dismissal of the petition.

I have heard counsel for the parties and considered their respective stand.

Although, petitioner is not named in the FIR, in her statement under Section 164 of the Code, the victim has stated that he has been inappropriately touching her after forcing her to disrobe. It has also been mentioned by her that he has been troubling her mother, which compelled her to leave her house from she went to another town and co-accused helped her. There are specific allegations against the petitioner of sexual harassment of an innocent minor. There is no such allegation against co-accused and order, Annexure P-2, whereby co-accused has been granted regular bail will not help the petitioner.

Keeping in view the totality of the facts and circumstances, nature of allegations and gravity of offence allegedly committed by the

petitioner, who is a child predator, discretionary relief of anticipatory bail cannot be granted.

Finding no merit, petition is dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

30.11.2022
Kamal

(SUVIR SEHGAL)
JUDGE

Whether speaking/ reasoned	Yes/ No
Whether Reportable	Yes/ No