

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.205

CRM-M-4822-2023

Date of Decision: 03.02.2023

Tajinder Singh

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Davinder Lubana, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

TRIBHUVAN DAHIYA, J. (ORAL)

This is a petition under Section 439 Cr.P.C. seeking grant of regular bail in case FIR No.143 dated 15.11.2022, registered under Section 354 IPC and Section 10 of POCSO Act, at Police Station Sri Anandpur Sahib, District Rupnagar.

The allegation against the petitioner, who is a school teacher, are that he had been sexually harassing the complainant/victim, who is one of the students in the same school. He inappropriately touch the victim on different dates mentioned in the FIR, and repeatedly asked her to meet him alone in the school. He also confiscated the victim's mobile phone and kept on pressurizing her to come to him in the biology lab alone for taking the mobile phone.

Learned counsel for the petitioner has contended that the FIR in question was lodged after a delay of about three days from the last incident and about three months from the first incident alleged. He also contends that

offence under Section 10 of the POCSO Act is not made out as per allegations levelled in the FIR.

Learned State counsel, upon instructions from SI Swati Diwan, submits that the trial is fixed for 07.02.2023 for framing of charge, and even the victim is still to be examined.

Whether the offences alleged are made out against the petitioner or not, is a matter of trial. At this stage, when the victim herself is yet to be examined, this Court does not deem it appropriate to grant bail to the petitioner.

Petition stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

03.02.2023
Maninder

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