

**In the High Court of Punjab and Haryana at Chandigarh**

2023:PHHC:041680

**101**

**CRM-M-10464 of 2023**

**Date of Decision: 22.03.2023**

**Lucky and others**

**---Petitioners**

**versus**

**State of Punjab and others**

**---Respondents**

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Mitul Singh Rana, Advocate  
for the petitioners

Mr. Amish Sharma, AAG, Punjab

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**JAGMOHAN BANSAL, J. (ORAL)**

On 28.2.2023, following order was passed by this Court:-

*“Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioners are seeking anticipatory bail in complaint case bearing No. COMI/29/2021 titled “Resham Kaur vs. Lakhveer and others”, under Sections 354, 323 IPC and Section 12 of POCSO Act pending before JMIC, Mukerian.*

*The case of complainant-respondent No. 2 is that on 14.06.2021 at about 6.30 p.m. minor daughter of the complainant went to house of Pooja Sharma to get milk. When she reached at the house of Pooja Sharma, she found that petitioners-accused were fighting with Pooja Sharma and all of sudden accused Lakhveer*

*caught the minor daughter of the complainant and accused Jyoti raised a lalkara saying that tear the clothes of the prosecutrix. Accused Lakhveer put his hand in the shirt of her daughter and outraged her modesty. Accused Lucky and Angad also joined accused Lakhveer. The prosecutrix saved herself from the clutches of the accused and ran to her house. The complainant approached police authorities, however, police did not register FIR and presented report under Sections 107/150 Cr.P.C. before SDM. The complainant presented complaint before trial court which vide order dated 06.12.2022 summoned the petitioners to face trial for committing offence punishable under Sections 354 and 323 IPC and Section 12 of POCSO Act. The petitioner preferred a petition before Sessions Court seeking anticipatory bail which came to be dismissed vide order dated 06.02.2023.*

*Learned counsel for the petitioner inter alia contends that police has conducted thorough investigation and did not find any substance in the complaint of the complainant. The petitioners have been summoned in the complaint filed by respondent No. 2. The maximum prescribed sentence is three years and they are ready to face trial. The petitioners are residents of District Hoshiarpur. Petitioner Nos. 1, 3 and 4 are siblings. It is highly improbable that a sister would call his brothers to derobe a minor girl in her presence.*

*Notice of motion.*

*On the asking of Court, Mr. Amish Sharma, AAG, Punjab who is present in court on*

*advance notice, accepts notice on behalf of State-respondent.*

*Adjourned to 22.3.2023.*

*In the meantime, the petitioners are at liberty to appear before the trial court within 10 days from today. If the petitioners do so, the trial court would admit the petitioners on bail on their furnishing bail bonds to its satisfaction.*

*To be shown in the urgent list.”*

Learned counsel for the petitioners contends that petitioners, in compliance of order dated 28.02.2023 passed by this Court, appeared before trial court on 6.3.2023 and furnished requisite bail bonds which stand accepted by trial court.

Perusal of order dated 06.03.2023 passed by trial court shows that the petitioners appeared before the trial court and furnished bail bonds as directed by this Court vide order dated 28.2.2023.

In view of the above, no further order is warranted.

Disposed of.

**( JAGMOHAN BANSAL )**  
**JUDGE**

**22.03.2023**

*paramjit*

Whether speaking/reasoned : Yes

Whether reportable : Yes/No