

2023:PHHC:087325

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

101+206

CRM-M No.35484 of 2022 (O&M)
Date of Decision: 13.07.2023

Jobanjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. Aman Mittal, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab
for the respondent-State.

Mr. Loveneet Thakur, Advocate appearing for
Mr. Vivek Vikas Singh, Advocate
for the complainant.

MEENAKSHI I. MEHTA, J. (Oral)

CRM No.22875 of 2023

This application has been moved on behalf of the applicant-petitioner for seeking permission to place the photographs, stated to be available in the pen-drive, on the record as Annexure P-4.

Learned State counsel as well as learned counsel appearing for the complainant have no objection in allowing the present application.

Keeping in view the above-said fact as well as the reasons as mentioned in the instant application, the same is allowed and the pen-drive is taken on the record as Annexure P-4.

CRM-M No.35484 of 2022

By way of this petition, the petitioner has sought the relief of anticipatory/pre-arrest bail in the criminal case arisen out of FIR No.97 dated 15.05.2022 registered at Police Station Lopoke, District Amritsar Rural, under Sections 376, 452 & 506 IPC and Section 4 of the Protection of Children from Sexual Offences Act (Amended) 2012/2019.

2. Bereft of unnecessary details, the allegations, as levelled by the prosecutrix (here-in-after to be referred as 'P') in the subject FIR, are that on 12.05.2022, at about 10.00 PM, her grandparents and brother went to sleep in the court-yard and she was sleeping alone in the room in her house and then, the petitioner trespassed into her room and gagged her mouth while threatening that if she raised an alarm, he would kill her and thereafter, he ravished her.

3. Status-report has already been filed on behalf of the respondent-State by way of the affidavit of the Deputy Superintendent of Police, Sub-Division Attari, Amritsar (Rural).

4. I have heard learned counsel for the petitioner as well as learned State counsel (assisted by learned counsel for the complainant) in the present petition and have also gone through the file carefully.

5. Learned counsel for the petitioner refers to the photographs (Annexure P-3) and contends that a perusal of the same makes it quite explicit that 'P' was having an affair with the petitioner and moreover, she was also having physical relations with him out of her free will and to add to it, there is a delay of 02 (two) days in lodging the above-said FIR and in

these circumstances, the petitioner deserves the relief, as prayed for in the instant petition.

6. Per-contra, learned State counsel argues that 'P' was minor at the time of the commission of the crime and keeping in view the nature of the offence committed by the petitioner, this petition be dismissed.

7. Undiputedly, 'P' was a minor at the time of the alleged occurrence. The afore-raised contentions qua the consensual relationship between 'P' and the petitioner and the delay in lodging the said FIR, can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence as may be led on the record during the course of the trial and the same cannot be considered and decided by this Court, at the time of dealing with the present petition as moved for seeking the concession of anticipatory bail.

8. Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory/pre-arrest bail. Resultantly, the petition in hand stands dismissed accordingly.

(MEENAKSHI I. MEHTA)
JUDGE

13.07.2023
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Whether speaking/reasoned: Yes
Whether Reportable: No