

2023:PHHC:130083
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

104

CRM-M-50793-2023

Date of Decision: 7th October, 2023

Sukha Singh @ Sukhwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. PPS Brar, Advocate for
Mr. KBS Mann, Advocate for the petitioner
Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
74	11.8.2023	Arniwala, District Fazilka	377 and 511 IPC, 1860 and Section 18 of Protection of Children from Sexual Offences, 2012 (for short 'the POCSO Act')

2. The relevant facts are that the FIR was registered on the statement of father of the victim. It was alleged that his minor son (victim) studies in class VI. On 10.8.2023, the victim along with two other children was coming back to his house. They went to tubewell to drink water where the petitioner was working with Jassa Singh as *Siri* (farm helper). The petitioner came to the spot and started doing obscene act with children, allured the victim and forcibly took him to cotton field. He removed his trousers for committing unnatural intercourse. In the meantime, Gurdas Singh reached the spot and on enquiry from the children came to know that the victim was inside the cotton crop field and he rescued him.

3. Learned counsel for the petitioner submits that it is a case of false implication as there was fight between the complainant and the petitioner.
4. Learned State Counsel vehemently opposes the prayer and submits that victim is twelve years old. He further submits that victim in his statement dated 14.8.2023 under Section 164 Cr.P.C. has supported the allegations.
5. It is clarified that observations made hereinafter shall not be construed as an expression of opinion on the merits of the case.
6. The allegations are serious in nature. The POCSO Act was legislated to safeguard the children. The details of the act done by the petitioner are mentioned in FIR. The victim has supported the allegations. Two more children witnessed the incident, the complainant and the petitioners are from adjoining villages, there is every chance of petitioner influencing the victim and the witnesses. Considering the seriousness of the allegations, no case is made out for grant of bail.
7. The petition is dismissed.
8. Since the main case has been dismissed, the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

7th October, 2023
anuradha

Whether reasoned/speaking	Yes
Whether reportable	Yes