

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

209

CRM-M-57040-2022

Date of Decision: 12.01.2023

Akash Sharma

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Baljinder Singh, Advocate
for the petitioner.

Mr. Amish Sharma, Asstt. A.G., Punjab.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking anticipatory bail in FIR No.423 dated 09.10.2022 under Section 376 IPC, Section 4 of Protection of Children from Sexual Offences Act and Section 67-B of Information Technology Act, registered at Police Station Zirakpur, District SAS Nagar, Mohali.

Status report dated 09.01.2023 by way of affidavit of Bikramjit Singh Brar, Deputy Superintendent of Police, Sub Division, Zirakpur, District SAS Nagar is taken on record. Registry is directed to tag the same at appropriate place.

Learned counsel for the petitioner submits that contents of status report are nothing more than reiteration of the allegation of the complainant. The petitioner has not actually committed the alleged offence and family of the complainant is unnecessarily implicating the petitioner. A perusal of the FIR does not disclose the commission of alleged offence.

Learned State counsel submits that apart from FIR, statement of prosecutrix under Section 164 Cr.P.C. has been recorded before Illaqa Magistrate wherein she has levelled specific allegation against the petitioner and the objectionable photographs have been produced on the police file. The prosecutrix is 15 years old and the petitioner is 23 years old. There are serious allegation against the petitioner.

Keeping in view the fact that the prosecutrix is 15 years old; she had tendered her statement under Section 164 Cr.P.C. in the line of FIR and as per status report, objectionable photographs of the prosecutrix are on police file, this Court does not find it appropriate to grant anticipatory bail to the petitioner.

Dismissed.

(JAGMOHAN BANSAL)
JUDGE

12.01.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>