

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

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CRM-M-59807-2023 (O&M)
Date of decision: 19.12.2023

Pardeep Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Kanwaljeet Singh Brar, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 220 dated 03.10.2023, registered under Sections 354, 354-D, 506 of the IPC and Sections 8 and 12 of the POCSO Act, 2012 at Police Station Lambi, District Sri Muktsar Sahib.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of the statement recorded by complainant 'H' (*name withheld*) on 03.10.2023 alleging therein that she is 16 years old and is studying in 11th Class in a Govt. School. About three years back, the petitioner used to stalk her. He wanted to talk to her and on her refusal; he had been extending threats to kill her if she did not do so. She alleged that due to such threats, she had started talking to him. Her parents had come to know about this fact about three months back

and then she had told the petitioner to not to follow her but the petitioner did not mend his ways and in July, 2023, when she was going towards her school, he caught hold of her and did obscene acts with her. She managed to flee. Out of fear, she stopped going to her school. The brother of the victim had asked petitioner as to why he was sexually harassing the victim and on this, the petitioner had extended beatings to her brother and in this regard, an FIR was also registered on 30.08.2023. While alleging that the petitioner had defamed her in the village, she prayed for taking action against him. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 03.10.2023. After completion of necessary investigation and usual formalities, *challan* under Section 173 Cr.P.C. was presented in Court and presently, the petitioner is facing trial for commission of aforesaid offences. He had moved an application for grant of regular bail before the trial Court but the same was dismissed, vide order dated 09.11.2023.

4. The present petition has been filed by the petitioner on the ground and his counsel has argued that the petitioner has been falsely implicated in this case. Previously, FIR No. 197 dated 30.08.2023 was lodged against him on the complaint of the brother of victim/complainant and he was falsely implicated in the said case and subsequently, he has been implicated in the present case. It is submitted that no incident as alleged had ever taken place. In fact, the parents of the complainant and her brother wanted to extract money from the petitioner on the pretext of settling the aforementioned case bearing FIR No. 197 and on his refusal to do so, they had falsely implicated him in this case. It is submitted that the petitioner is in custody since

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03.10.2023 and his custodial interrogation is no more required. No useful purpose would be served by keeping him in custody anymore. Hence, it is prayed that the present petition deserves to be allowed.

5. Status report has been filed by learned State counsel. He has argued that the victim, who is a minor, had been sexually harassed by the petitioner and he had been stalking her since long. There were serious allegations against the petitioner. There are chances of his intimidating the witnesses, if he is extended benefit of regular bail. Therefore, it is urged that the petition is liable to be dismissed.

6. I have heard learned counsel for the parties and have also gone through the material placed on record very carefully.

7. The petitioner is alleged to have followed the victim since long to foster personal interaction with her, despite resistance on the part of the victim. He is also alleged to have sexually assaulted and harassed her. He is in custody since 03.10.2023. Investigation has since been completed and trial is likely to take some time. No useful purpose would be served by keeping him in custody any further. Keeping in view the period spent by him in custody, the nature of subject offences and attendant facts and circumstances of the case, I am of the considered opinion that the petitioner deserves to be given benefit of regular bail.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

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9. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

19.12.2023

Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>