



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.3055 of 2024
Reserved on: 04.09.2024
Date of Decision: 10.09.2024

Jobanjit Singh @ Panni

.....Petitioner.

Versus

State of Punjab

.....Respondent.

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

Argued by:- Mr. Ashish Aggarwal, Advocate
for the petitioner.

Ms. Arundhati Kulshreshtha, AAG, Punjab
for the respondent-State.

MEENAKSHI I. MEHTA, J.

The petitioner herein has sought the relief of regular bail in the criminal case arisen out of the FIR bearing No.97 dated 15.05.2022 registered at Police Station Lopoke, District Amritsar Rural, under Sections 376, 452 and 506 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act').

2. Bereft of the 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 had gone to sleep in the court-yard and she was sleeping alone in the room in her house and then, the petitioner had trespassed into her room and had



gagged her mouth while threatening that if she raised an alarm, he would kill her and thereafter, he had ravished her.

3. Short-Reply 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 in the present petition and have also gone through the file carefully.

5. Learned counsel for the petitioner has contended that from the photographs Annexure P-3 (Colly), it is explicit that 'P' was having an affair with the petitioner and had, thus, been having physical relations with him out of her own volition and moreover, there was a delay of two (02) days in lodging the FIR and even otherwise, the petitioner is behind the bars since 31.07.2023 and in these circumstances, he deserves the relief, as prayed for in this petition.

6. Per contra, learned State counsel has argued that 'P' was a 'Child', as defined under Section 2(d) of the POCSO Act, at the time of commission of the offence and in view of the gravity of the allegations levelled against the petitioner, the present petition be dismissed.

7. As regards the contention qua the consensual relationship between 'P' and the petitioner, it is worth-while to mention here that 'P' had, concededly, not attained the age of 18 years and was, thus, a 'Child' at the time of the occurrence in question. It being so, the photographs (Annexure P-3) do not suffice at all, at this stage, to substantiate this contention and rather, the afore-discussed aspect can be looked into and



considered by the trial Court at the relevant stage, in view of the evidence as would be available on the record and the same cannot be delved into by this Court at the time of dealing with the instant petition.

8. So far as the contention regarding the delay in lodging the FIR is concerned, it is well-settled that mere delay, in itself, is not fatal to the case of the prosecution and rather, its effect has to be ascertained by the trial Court in the light of the evidence, as may be brought on the record during the course of the trial proceedings.

9. Then, the last contention qua the period of incarceration of the petitioner can, by no stretch of imagination, be construed to be a cogent and valid ground to extend the relief of regular bail to him, specially in the circumstances when a perusal of the copies of the testimonies of 'P' and her father, as submitted by learned counsel for the petitioner in the Court, reveals that they have duly supported the version of the prosecution, while deposing as PW1 and PW2 respectively, in the trial Court and also in view of the gravity of the offence as alleged to have been committed by him.

10. Keeping in view the above-discussed facts and circumstances, this Court is of the considered opinion that the petitioner does not deserve the relief of regular bail. Resultantly, the petition in hand stands dismissed.

September 10th, 2024

Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
No