

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

CRM-M-4597 of 2024

Harmandeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

Date of Decision: 30.01.2024

CORAM: HON'BLE MR. JUSTICE SUDEEPTI SHARMA

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

Mr. Amish Sharma, AAG, Punjab.

SUDEEPTI SHARMA, J

Prayer is for grant of anticipatory bail in case FIR No.172 dated 22.11.2023 under Sections 376,506,366 IPC and Section 4 of POCSO Act registered at P.S. Nihal Singh Wala, District Moga.

As per allegations in the FIR, the complainant Shiv Devi @ Komal aged about 13 years 10 months was studying in 8th Class in Government Sr. Secondary School Nihal Singh Wala. Her father was doing labour work and her mother was a housewife. Her brother Ashupal was also studying in that School in 6th standard. It is alleged that the petitioner, who was her neighbour, used to stalk the complainant. He threatened her that in case she would not do friendship with him, he would kill her parents and brother. On 21.11.2023, while they all were sleeping in one room, at about 2.00 a.m, the complainant went to bathroom and she noticed that her mother's mobile was ringing. When the complainant picked up the call, the petitioner threatened her to come outside or he would kill her parents. Out

of fear, the complainant went outside and the petitioner is alleged to have forcibly taken her to a motor room in the fields and forcibly committed rape on her against her wishes. Upon the complainant raising huge noise, her parents reached there and the petitioner fled away. They got the complainant admitted in a hospital. The matter was reported to the police and her statement was recorded.

Learned counsel for the petitioner submits that the parties have now entered into a compromise vide compromise deed dated 30.11.2023, thus the petitioner be extended the benefit of anticipatory bail.

I have heard learned counsel for the petitioner and perused the paper book with his able assistance.

Relevant operative part of order dated 22.11.2023 passed by the learned Addl. Sessions Judge, Moga whereby application filed by the petitioner seeking anticipatory bail was dismissed, is reproduced as under:

“FIR has been lodged under Sections 376,506,366 IPC and Section 4 of POCSO Act, 2012 against the accused/applicant. Serious allegations have been levelled against applicant-accused that he has committed the rape of minor victim without her consent by threatening her. Even in her statement under Section 164 Cr.P.C, the victim has also levelled the allegations of rape against the accused. It is the apprehension of the prosecution that if applicant-accused is released on anticipatory bail, it will given wrong impression in the minds of general public, which is uncalled for. Therer is possibility that he may influence the prosecution witnesses. Thus, custodial interrogation of applicant-accused is necessary. As such, considering the nature of offence, mode and manner in which it has been committed and necessity of custodial interrogation, present anticipatory bail is found devoid of merit and

stands dismissed. File be consigned to the Record Room.”

It is apparent from perusal of the order that the victim in her statement recorded under Section 164 Cr.P.C has levelled specific allegation of rape against the petitioner.

Considering the nature and gravity of the offence and taking note of the allegations, no ground is made out to grant the relief.

Dismissed.

January 30, 2024

(Sudeepti Sharma)

manoj

Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No