

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

268

CRM-M No.21144 of 2023
Date of Decision: 08.01.2024

Lovepreet Singh @ Preet Brar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. B.S. Aulakh Advocate,
for the petitioner.

Mr. Parneet Singh Pandher, AAG, Punjab.

MANISHA BATRA, J.

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
186	27.07.2022	Lambi, District Sri Muktsar Sahib	376, 363, 366, 506, 120-B of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 (For short “POCSO Act”)

2. Relevant facts for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the prosecutrix “R” (name withheld) on 27.07.2022 alleging therein that she was studying in 8th class. The petitioner was an ex student of her school. She used to message him as a friend. On 25.07.2022 at about 8:30 AM, he had come to her while she was going towards her school and had offered her to accompany him for an outing to Bathinda. She had refused to do so. Then on 26.07.2022, when she was going towards her school with her classmate “K” (name withheld) at about 8:30

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AM, the petitioner was found present in the street along with three more boys in a car bearing No. DL 3CAU 0911. He caught hold of her by her arm and threw her classmate and herself in the car with the help of another boy who was being addressed by him as Gori. Two other youths were already sitting in the vehicle. They took them towards Panjave's canal wherein the petitioner committed rape upon her whereas accused Gori committed rape upon "K. Thereafter, they brought them back into the said car and left them near their houses while threatening them not to disclose about the incident to anybody. She has, however, disclosed about the incident to her mother who had taken her for treatment. Investigation proceedings were initiated. The victims were medico legally examined. Their statements under Section 164 of Cr.P.C. were recorded. The present petitioner was arrested on 29.07.2022. After completion of necessary investigation and usual formalities, challan under Section 173 Cr.P.C. was presented in the Court and presently, the petitioner is facing trial for commission of the aforementioned offences along with the co-accused. He had moved an application for grant of regular bail before the Court of learned Additional Sessions Judge, Sri Muktsar Sahib which had been dismissed.

3. The present petition has been filed by the petitioner on the grounds that he has been falsely implicated in this case infact it was a case of love affair between him and the prosecutrix. No semen was found on the clothing and vaginal swab of the victim. The testimony of the victim had already been recorded. The trial was likely to take time. No useful purpose was going to be served by detaining him in custody any more. Hence, it is argued that the petition deserves to be allowed.

4. Per contra, learned State counsel in terms of the status report

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has argued that the allegations against the petitioner are quite serious in nature. He had ravished the minor victim. The consent of the victim was not at all important neither the same was made out from the allegations as levelled in the FIR. There was nothing to show that the trial was likely to take time. The gravity of the offences committed by the petitioner was an important point for not extending benefit of bail to him. Hence, he argued that the petition did not deserve to be allowed.

5. I have heard learned counsel for the parties and have perused the record.

6. The petitioner is alleged to have taken the minor victim out of lawful custody of her parents and is further alleged to have ravished her as on 26.07.2022. The allegations as against him are serious in nature. It is for the trial Court to see as to whether it was a case of love affair. Even otherwise, the consent of minor victim cannot be stated to be of any relevance.

7. Keeping in view the grave nature of the offence as alleged to have been committed by the petitioner along with co-accused, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserved to be allowed. Hence, the same is dismissed.

08.01.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No