



CRM-M-31044-2024 (O&M)

106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31044-2024 (O&M)

Date of Decision: 03.07.2024

RAVI KUMAR

.....PETITIONER

Vs.

U.T. ADMINISTRATION, CHANDIGARH AND ANOTHER

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Paramjit Singh Jammu, Advocate,
for the petitioner.

Mr. Manish Bansal, Public Prosecutor for U.T., Chandigarh,
with Mr. Shubham Mangla, Advocate,
for respondent No. 1-U.T., Chandigarh.

HARPREET KAUR JEEWAN J.

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 53, dated, 19.03.2024, registered at Police Station Sector 31 Chandigarh, under Sections 363 and 354 IPC and Section 8 of the Protection of Children from Sexual Offences, Act, 2012.

2. Learned counsel for the petitioner *inter alia* contends that the prosecutrix is an employee of the petitioner, working at his shop as a sales girl. The prosecutrix had stolen some cloths from the shop of the petitioner. When the petitioner put pressure upon the prosecutrix for returning the same,

**CRM-M-31044-2024 (O&M)**

she with the assistance of his brother, falsely involved the petitioner in the present FIR.

3. Learned counsel for the State has submitted that the prosecutrix is a minor girl, about 16 years of age. The signatures of the petitioner and the prosecutrix have been verified from the entry register of the hotel. The prosecutrix raised hue and cry in the hotel room and thereafter, the gate of the room was opened by the hotel staff and they protected the prosecutrix from the petitioner. The statement of the prosecutrix has also been recorded under the provisions of Section 164 Cr.P.C. The allegations are serious in nature. The petitioner does not deserve the concession of pre-arrest bail.

4. In rebuttal, learned counsel for the petitioner submits that the aforesaid incident was a honey trap and again reiterated that the petitioner has been falsely implicated in this case.

5. I have heard learned counsel for the petitioner, as well as learned State counsel.

6. It is not disputed that the prosecutrix is a minor girl, about 16 years of age. Firstly by employing a child as a sales girl, the petitioner has violated the Child Rights. Secondly, the contention of the petitioner is that the aforesaid incident was a honey trap. However, in the representation dated 19.03.2024 (Annexure P-2) which is alleged to have been given by the petitioner to the Senior Superintendent of Police, Chandigarh, has no reference that the incident is a honey trap. In the said representation, the petitioner had only levelled allegations of theft having been committed.



7. The victim, a young girl of 16 years of age, has levelled specific and categoric allegations against the petitioner, which have been duly supported by her in her statement under Section 164 Cr.P.C. The presumption of guilt under Section 29 of POCSO Act unless it is rebutted, operates against the petitioner. The investigation is yet to be completed and concession of anticipatory bail cannot be extended to the petitioner as there is a possibility that the accused may try to influence the complainant. Considering the nature of allegations, the gravity of offence, the stage of investigation and the fact that the complainant is a minor, no ground is made out for grant of pre-arrest bail to the petitioner.

8. Petition is accordingly dismissed.

9. It is clarified that nothing said hereinabove shall not be construed to be an expression of the merits of the case.

10. Pending miscellaneous application(s), if any, shall also stand disposed of.

July 03, 2024
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes/No
Whether reportable	Yes/No