



CRM-M-32442-2024 (O&M)

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

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CRM-M-32442-2024 (O&M)
Date of Decision: 13.08.2024

Saleem Singh @ Sammi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. R.K. Kachura, Advocate
for the petitioner.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

HARPREET KAUR JEEWAN, J (ORAL)

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioner in case FIR No.255 dated 04.11.2022, under Section 376 of the IPC and Section 4 of POCSO Act, registered at Police Station Sadar Fazilka, District Fazilka.

2. Learned counsel for the petitioner contends that the story of the prosecutrix is unbelievable as it is not possible that the petitioner would commit such an act in the presence of his sister, who was allegedly present alongwith the prosecutrix as per the FIR. It is further contended that there is one month delay in lodging the present FIR.



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3. Status report dated 27.7.2024 by way of affidavit of Shubeg Singh, PPS, Deputy Superintendent of Police, Sub Division, Fazilka has been filed and the same is taken on record. Learned State counsel has opposed the prayer of learned counsel for the petitioner and has submitted that the prosecutrix has supported her version in her statement recorded under Section 164 Cr.P.C. (Annexure 'R-2/T'). The age of the prosecutrix is 15 years.

4. I have considered the aforesaid submissions and have gone through the paper-book. Initially the matter was reported to the Police by the mother of the victim, however, the statement of prosecutrix has been recorded under Section 164 Cr.P.C. (Annexure 'R-2/T'). The prosecutrix, who is minor below the age of 16 years has categorically stated that on 29.10.2022 at 10:00 PM, her friend Shimpa Rani came to her house and asked her to move alongwith her, then she went to the house of her friend. When she reached near the tomb of Baba Ganda Singh, the petitioner, who is brother of Shimpa Rani, was sitting on the roof. Thereafter, the petitioner came from the back side and put a cloth on her face, consequently she became unconscious and she was taken to the tomb and the petitioner committed rape upon her without her consent. Next day, the victim told the entire occurrence to her mother, however, the matter was discussed with the relatives and thereafter, the matter was reported to the police. As per the copy of the medical report (Annexure R-1), the victim gave alleged history of sexual assault to the doctor, who conducted her medical examination. The petitioner is 29 years of age, whereas the age of the victim is 15 years. The



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victim has supported the prosecutrix case in her statement followed under Section 164 Cr.P.C.

5. Considering the gravity of allegations and the age of the victim, no case is made out to grant the concession of anticipatory bail to the petitioner.

6. Consequently, the present petition is dismissed.

7. Misc. pending application if any, shall stand disposed of.

13.08.2024

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(HARPREET KAUR JEEWAN)
JUDGE

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