

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M-33828-2024 (O&M)
Reserved on:13.08.2024
Pronounced on:12.11.2024

LOVEPREET SINGH ALIAS LABHU
...Petitioner

Versus

STATE OF PUNJAB
...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Kuldip Singh, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

HARPREET KAUR JEEWAN , J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.183 dated 03.12.2023 registered under Section 376-DA IPC and Section 6 of the POCSO Act, 2012 at Police Station Mamdot, District Ferozepur.
2. Perusal of the paper-book reflects that the petitioner was declared as a proclaimed person vide order dated 27.02.2024 and the said order was set aside by the Co-ordinate Bench of this Court vide order dated 29.05.2024 passed in CRM-M-28118-2024 (Annexure P-4).
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The petitioner was neither present at the place of occurrence nor any offence has been committed by him. The Co-

accused of the petitioner namely Paramjit Singh @ Pamma and Gurmeet Singh were acquitted by the trial court vide judgement dated 20.03.2024 (Annexure P-6). He submits that the petitioner is ready to join the investigation. Reliance has been placed upon the decision of Meghalaya High court in ***AB No.56 of 2023*** titled ***Smti. Sopiwara Begum vs. State of Meghalaya*** decided on 07.12.2023, wherein it is submitted that there is no absolute bar under Section 438 (4) Cr.P.C. for grant of pre-arrest bail to a person, alleged to be an accused under Section 376-DA IPC.

4. Learned counsel appearing on behalf of the respondent-State has opposed the bail petition on the ground of gravity of allegations levelled against the petitioner.

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

6. The case was registered at the instance of the victim, who was aged about 15 years at the time of the alleged occurrence and she was a student of 9th class. As per the version of the victim, the petitioner along with his co-accused used to stalk her and also used to hurl indecent remarks. Due to the said reason, the victim dis-continued her studies at the asking of her parents. On 30.11.2023 at about 5:30 p.m., when the victim was going from her village towards village Jallo ke, then the petitioner along with his co-accused forcibly caught hold of her and got administered some sedative substance to her. Thereafter, the prosecutrix was taken to a dark place, wherein the petitioner along with his co-accused committed rape upon her turn by turn. At about 4:30 a.m., the prosecutrix was left near the gate of her house. Thereafter, the victim narrated the entire incident to her aunt, who took her to Civil hospital,

Ferozpur and thereafter the matter was reported to the police.

7. The co-accused of the petitioner namely Paramjit Singh @ Pamma and Gurmeet Singh, who joined the proceedings, have faced the trial under Section 376-DA IPC and Section 6 of the POCSO Act, 2012 and by giving them the benefit of doubt, both have been acquitted by the trial Court (Annexure P-6). The petitioner is named in the FIR and his identity is not in dispute. The FIR was lodged in December, 2023. The petitioner is resident of the same village, where the victim is residing. Upon medical examination of the prosecutrix, hymen was found absent and the age of the prosecutrix was between 15 to 16 years as per the Ossification test. During the trial, the prosecutrix had named the petitioner having been involved in the occurrence related to 30.11.2023, however she was declared hostile as she had not completely supported the case against the co-accused of the petitioner.

8. Keeping in view the age of the victim and the allegations against the petitioner, it is not a fit case to grant concession of anticipatory bail to the petitioner.

9. Consequently, the present petition is dismissed.

10. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

12.11.2024

P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No