



FIR(supra) was registered at 5:50 PM on 30.05.2024. The delay of 29 hours remains unexplained on the part of the prosecution. Further, a perusal of the FIR(supra) would indicate that no offence has been made out against the accused. In fact, the petitioner has only been roped in due to an election despite between victim’s brother and co-accused Rajeem. Pertinently, co-accused Rajeem was granted default bail by the learned trial Court due to the failure of police to conduct investigation and file the final report under Section 173 Cr.P.C.

4. Having heard the learned counsel for the petitioner and after perusing the record with her able assistance, it transpires that the petitioner has been specifically named as the main accused in the FIR(supra). Moreover, Rajeem, the co-accused, was apprehended from the spot of the occurrence while the petitioner managed to escape. In fact, Rajeem’s application for regular bail was dismissed by the learned trial Court vide order dated 03.07.2024. He was only released on bail for the default of the investigating agency to file the final report under Section 173 Cr.P.C. in the stipulated time.

5. In a civilised society, there is a legitimate expectation to live a dignified life where one does not have to live in a constant state of anxiety regarding their safety. The society that grants, cherishes and protects the rights of its citizens also expects a certain standard of behaviour from them to promote harmony and integrity within the country. Part IV-A of the Constitution of India enumerates the fundamental duties and lays specific emphasis on promoting a culture respectful of women.

Article 51A. Fundamental duties.—*It shall be the duty of every citizen of India—*

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*(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; **to renounce practices derogatory to the dignity of women;***

6. The victim was groped by the petitioner and his co-accused while she was urinating in the forest. Such an incident can potentially instil a deep sense of fear in a minor girl of 16 years resulting in severe psychological repercussions. Trivialising incidents of eve-teasing and molestation inevitably normalises a culture where women are objectified and treated as a sub-human entity. Establishment of such notions is detrimental to the progress of any nation as it directly attacks our social fabric.

7. In view of the above discussion, the present petition is dismissed. However, nothing observed herein shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by the observations of this Court.

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

31.08.2024
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No