

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.103

CRM-M-59154-2023(O&M)

Date of decision : 08.01.2024

Nikhil

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Namit Khurana, Advocate, for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana

HARPREET KAUR JEEWAN, J. (Oral)

The present petition has been filed under Section 438 for grant of anticipatory bail to the petitioner in case FIR No.212 dated 17.10.2023, under Section 506 IPC and Section 12 of the POCSO Act, 2012 registered at Police Station Sadar Jagadhri, District Yamuna Nagar.

Counsel for the petitioner *inter alia* contends that on 14.02.2023, the petitioner has been assaulted and he was admitted in hospital on 15.10.2023. The present FIR has been registered at the instance of father of the prosecutrix as a defence to the complaint moved by the petitioner and this medico legal examination report Annexures P-3 and P-4.

Notice of motion.

Mr. Amrik Singh Narwal, DAG, Haryana accepts notice on behalf of the respondent-State.

Reply on behalf of respondent-State has been filed by State counsel in Court. The same is taken on record.

Learned State counsel has opposed the bail application and contends that the victim is 16 years of age and the petitioner is the main

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accused. The custodial interrogation of the petitioner is necessary and even motorcycle is required to be recovered.

I have considered the aforesaid submissions and perused the paper book.

The FIR was registered at the instance of the father of the victim who is aged about 16 years with the allegations that the victim is student of 10th class. The petitioner alongwith 2-3 boys, used to stalk the victim. They had been following the school bus of the victim for several months. The victim disclosed about this fact to his family and complaint had even been made to the family of the accused, but they did not stop the petitioner. Even the school authorities and the bus driver had given warning to the petitioner. On 14.10.2023 at about 3:00 p.m., the petitioner-accused threatened the victim as well the driver of the bus. As such the FIR was lodged.

As per the status report, the investigation has been conducted. Co-accused of the petitioner has been arrested and he has also suffered a disclosure statement and in pursuance of the said statement, he got demarcated the place of occurrence. Statement of the victim under Section 164 Cr.P.C. has been recorded wherein, she has specifically stated that the petitioner and his co-accused used to tease and harass her, whenever she used to go for her tuition. They used to follow her school bus. They threatened to kill her brother. Even the school authorities and bus driver advised them not to chase the bus. Even after registration of the FIR, they did not stop and earlier also, she has made a complaint about the present

petitioner regarding sustaining of injuries by him were also inquired and during investigation hospital records were collected and it was found that the petitioner suffered injuries in car accident and thereafter, he was taken to Govt. Multispecialty Hospital, Sector-16, Chandigarh. The allegations leveled by the petitioner regarding his assault by the complainant party were found false and baseless and it was found that injuries were received during road side accident.

Keeping in view the facts and circumstances of the case that a minor girl was repeatedly harassed in open public view while she used to travel in school bus, in such circumstances, granting relief of anticipatory bail to the petitioner would give a wrong signal to the society. As such, this Court is of the considered opinion that this case does not fall within the parameters of Section 438 Cr.P.C for granting concession of pre-arrest bail to the petitioner.

Consequently, the present petition stands dismissed.

However, nothing stated hereinabove shall be construed to be an expression of an opinion on the merit of the case.

(HARPREET KAUR JEEWAN)
JUDGE

08.01.2024
Ramandeep Singh/Nitin

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No