

227 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-60225-2023
Date of decision: 13th March, 2024

Anmoldeep Singh @ Anmol

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Maneesh Bali, Advocate for the petitioner.
Mr. P.S. Bhandari, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in FIR mentioned below:-

FIR No.	Police Station	Sections
226	Phillaur, District Jalandhar	341, 363, 365, 342, 354-A, 354-D, 201 and 506 of Indian Penal Code, 1860 (for short ‘IPC’) and Sections 12 and 18 of Protection of Children from Sexual Offences Act, 2012 (for short ‘POCSO Act’)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the abovesaid FIR was registered on 23.08.2023 on the basis of statement recorded by complainant ‘D’ (name withheld) alleging therein that his minor daughter ‘NS’ (name withheld) was being harassed by the petitioner from some time, when she used to go to her school by her scooty. He had started calling on her mobile phone to maintain friendship

with her and on 10.06.2023, had forcibly taken away her daughter to some unknown place while extending threats to her and brought her back in the evening and the entire incident was narrated to him by his daughter. After registration of FIR, investigation proceedings were initiated. The statement of the victim under Section 164 of Cr.P.C. was recorded wherein she supported the version of the prosecution as given in the FIR and also stated that the petitioner had inappropriately touched her, sexually harassed her and extended threats to make her photos viral. The petitioner was arrested on 23.08.2023. After completion of necessary investigation, challan was presented against him and presently, he is facing trial under Sections 341, 363, 365, 342, 506, 354-A, 354-D and 201 of IPC read with Sections 12 and 18 of POCSO Act.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. Infact, the petitioner was having friendship with the victim and there was regular exchange of chats between them. He had never sexually harassed the victim in any manner whatsoever. Learned counsel for the petitioner has drawn the attention of this Court to Annexure P-8 which are photographs showing them to be with each other in comfortable position; to Annexure P-9 i.e. copy of record of the calls exchanged between the petitioner and the victim as well as to Annexure P-2, which is copy of Whatsapp chat record and Whatsapp call record of the petitioner and the victim. There is delay of thirteen days in lodging of FIR and another delay of twenty-three days in recording statement of the prosecutrix under Section

164 of Cr. P.C. It is argued that trial is likely to take time. His custodial interrogation is no more required. No useful purpose would be served by keeping him in custody. Therefore, it is urged that petitioner deserves to be given concession of bail.

4. Status report has been filed by respondent-State. It is argued by learned State counsel that there are serious allegations against the petitioner. He has criminal antecedents and two cases had already been registered against him out of which one is quashed and the other is under investigation. Therefore, it is argued that he does not deserve to be given concession of bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have enticed and taken away the victim on 10.08.2023 and is alleged to have sexually harassed her on that day and previously also. As per the allegations, he had also been stalking her and extending threats to the victim to make her photos viral, which he had taken alongwith her. It is not feasible or appropriate for this Court at this stage to check the genuineness of the photographs, whatsapp chats and the call details record as relied upon by the petitioner as it is for the trial Court to decide the same and to give findings with regard to the veracity of the same, on assessment and evaluation of evidence to be produced before it. However, keeping in view the nature of the allegations as levelled against the petitioner, the period of his incarceration, the fact that trial is likely to

take time and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner deserves to be given concession of bail at this stage. Hence, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]

JUDGE

13th March, 2024

Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No