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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45043-2024

Date of Decision:- 06.02.2025

Paramjit Singh @ Happy Sheera

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. Gautam Thapar, AAG, Punjab.

AMARJOT BHATTI, J.(Oral)

1. Petitioner – Paramjit Singh @ Happy Sheera has filed third petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No. 108 dated 21.06.2022 under Section 376-D of IPC and Section 6 of POCSO Act (Amendment) Act, 2012, 2019 (Annexure P-1) registered at Police Station City Phagwara, District Kapurthala (Challan/Final Report dated 11.09.2022 (Annexure P-5) presented under Section 376, 201 of IPC and Section 3/4 of POCSO (Amendment) Act, 2012, 2019).

2. Facts of the case are prosecutrix who is seventeen and a half years old girl gave her statement that she was studying in +2 class (Medical subject) from Saffron Public School, Phagwara. Her father was posted as Senior Medical Officer, Abohar, District Fazilka and her mother was housewife. Her date of birth is 05.12.2004. Sweety was her class fellow and both of them used to go to school together in bus. In October, 2021,



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she came in contact with Gurjit Singh resident of Chachoki and she started interacting with him on mobile phone used in the house by her mother. She started meeting Gurjit Singh as Sweety was sister of said Gurjit Singh. He also took her to his house at Chachoki. He developed physical relations with her forcibly and also took objectional photographs. He threatened to upload said photographs on social media. In December, 2021, Gurjit Singh again threatened on phone and thereafter, she disclosed everything to her father. His father warned Gurjit Singh who assured not to repeat this mistake. In April, 2022, Gurjit Singh gave her number to his friend Anny who called her by saying that he was having her objectionable photographs and started blackmailing her. He used to take her to different hotels at Jalandhar and maintained physical relations with her. In June, 2022, Anny and Sweety took her to a hotel at Jalandhar where friends of Anny namely Rahul, Rohan, Akash, Happy Sheera (present petitioner) came there and maintained physical relations with her and also made videos. She was threatened that her objectionable photographs will be uploaded on social media. During this period, out of fear, she did not disclose all these facts to her family. They continuously blackmailed her. Finally, she disclosed everything to her parents and matter was reported to police. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner argued regular bail petition filed by petitioner on the ground of long custody. He denied the allegations. It is pointed out that petitioner was arrested on 14.07.2022 and challan was presented against him. Whereas, other accused were exonerated. Copy of challan report is Annexure P-4. Apart from sole testimony of prosecutrix,



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there is no evidence against him. DNA Test Report (Annexure P-6) does not support prosecution case. During the pendency of trial, other accused are also summoned on application under Section 319 Cr.P.C. and out of them, Rahul Dhunna has been granted anticipatory bail vide order dated 06.09.2023 passed in CRM-M No. 16689 of 2023 (Annexure P-10) and Arun Chumber is granted anticipatory bail vide order dated 22.05.2024 passed in CRM-M No. 26168 of 2024 (Annexure P-11). Regular bail petition of present petitioner is on better footing. It is prayed that his regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State. Detailed status report has been filed. Aforesaid factual position is not disputed. It is pointed out that all other accused are summoned on application under Section 319 Cr.P.C. Allegations are specific and serious in nature. Other accused are yet to appear before the trial Court and thereafter, amended charge will be framed. Considering the manner in which offence has been committed, petitioner is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record. First two regular bail petitions filed by petitioner were dismissed as withdrawn. Copy of order dated 03.05.2023 and copy of order dated 26.04.2024 are Annexures P-12 and P-13 respectively. This is the third regular bail petition filed by petitioner. Facts narrated by prosecutrix indicate that from October, 2021 till registration of FIR, she was continuously sexually exploited and blackmailed by present petitioner along with other co-accused. Initially she was exploited by Gurjit Singh



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and thereafter, he shared mobile number of prosecutrix with other co-accused including present petitioner and she was repeatedly raped by taking her to different places. It is matter of record that initially challan was presented only against present petitioner Paramjit Singh @ Happy Sheera. Whereas, other co-accused Gurjit Singh, Anny @ Anirudh Joshi, Rahul Dhunna, Arun Chumber, Akash and Taranpreet Kaur @ Sweety were kept in column No. 2 and now they are summoned on application under Section 319 Cr.P.C. It is matter of record that Rahul Dhunna and Arun Chumber are granted anticipatory bails by Coordinate Bench by passing orders 06.09.2023 and 22.05.2024 (Annexures P-10 and P-11 respectively), since they were summoned with the aid of Section 319 Cr.P.C. So far as present petitioner is concerned, he was initially challaned. As per statement of prosecutrix (Annexure P-7) recorded under Section 164 Cr.P.C. as well as her statement in Court as PW-1 (Annexure P-8), there are serious allegations against petitioner. Amended charge is yet to be framed and thereafter, statement of victim will be recorded again. Considering the aforesaid factual position, at this stage, I do not find it appropriate to grant regular bail to present petitioner and same is accordingly, dismissed.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

06.02.2025

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No