

(2021) 02 P&H CK 0078

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 117 Of 2021

Gurpreet Singh

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 10-02-2021

Acts Referred:

Indian Penal Code, 1860 — Section 376, 506
Protection Of Children From Sexual Offences (POCSO) Act, 2012 — Section 4
Code Of Criminal Procedure, 1973 — Section 164

Citation : (2021) 02 P&H CK 0078

Hon'ble Judges : Arvind Singh Sangwan, J

Bench : Single Bench

Advocate : Manjinder Singh Saini, Joginder Pal Ratra

Final Decision : Dismissed

Judgement

Arvind Singh Sangwan, J

The petitioner prays for quashing of FIR No. 0037 dated 12.03.2019, registered under Sections 376/506 of the IPC and Section 4 of the POCSO Act,

2012 at Police Station Sadar Tarn Taran, District Tarn

Taran along with all the subsequent proceedings, on the basis of the compromise entered into between the petitioner and complainant.

Vide order of the even date passed by this Court in CRM-M-92-2021, the anticipatory bail application of the petitioner stands dismissed by passing the

following order:

â??....The present FIR was registered on 12.03.2019 with the allegations that daughter/prosecutrix of the complainant (name withheld), aged about 13

years, is not mentally fit. On 11.03.2019 at about 06.00 PM, the complainant found that her daughter had gone out and she was found in a vacant plot

while petitioner was standing nearby her and was threatening the prosecutrix. On seeing the complainant and her husband, the petitioner ran away.

On 06.01.2021, learned counsel for the petitioner submitted that some compromise is arrived at between the petitioner and complainant, however, a

perusal of the record shows that no such compromise is effected between the petitioner and the prosecutrix, who is aged about 13 years. Even the

MLR of the victim as well as her statement recorded under Section 164 Cr.P.C. have not been attached with the petition.

Learned State counsel submits that the victim has supported the prosecution version and in her statement recorded under Section 164 Cr.P.C. and as

per FSL report, the semen of the petitioner was found on the exhibits, which further supports the allegations of rape.

After hearing learned counsel for the parties, without commenting anything on the merits of the case, considering the serious allegations against the

petitioner, who is evading arrest since a long time, this Court finds no ground to grant concession of anticipatory bail to him.

Accordingly, the present petition is dismissed.â??

Since there is no compromise between the petitioner and the victim, who is aged about 13 years, the present petition is dismissed at this stage.