

*Before Suvir Sehgal, J.*

**JASWINDER SINGH**—*Petitioner*

*versus*

**STATE OF PUNJAB**—*Respondent*

**CRM-M No. 19114 of 2020**

July 17, 2020

*Code of Criminal Procedure, S. 438—Indian Penal Code, Ss. 354, 354-A, 384 and 120-b—Protection of Children from Sexual Offences Act, 2012, S.8—Anticipatory bail—Victim 16 years old girl—Allegations of attempt to rape, forcing her to drink and smoke, making and uploading an obscene video of hers and demanding money and jewelry, when she was studying in an academy about three years ago—Her statement under S.164 Cr.P.C. recorded—Petitioner claimed innocence, had no contact with the victim, and co-accused already granted interim bail by this court—Held, petitioner’s argument of no access to the victim stood belied by the material on record—the accused used to threaten her due to which she could not even report the incident to her parents for three years—victim is now mentally unstable—grant of interim bail to co-accused does not advance the petitioner’s case who is a sexual predator—life of a young girl has been ruined who was minor at the time of alleged occurrence—petitioner is not entitled to the concession of anticipatory bail.*

*Held*, that the FIR has been registered on the statement of a 16 years old girl that implicates the petitioner. The accused including the petitioner used to threaten her as a result of which, she was so scared that for three years she did not even report the incident to her parents. The victim is now mentally unstable and this could probably be the result of the trauma that she has gone through in her growing years at the hands of petitioner and other co-accused.

(Para 6)

*Further held*, that the FIR has been registered on the statement of a 16 years old girl that implicates the petitioner. The accused including the petitioner used to threaten her as a result of which, she was so scared that for three years she did not even report the incident to her parents. The victim is now mentally unstable and this could

probably be the result of the trauma that she has gone through in her growing years at the hands of petitioner and other co-accused.

(Para 7)

*Further held*, that the FIR has been registered on the statement of a 16 years old girl that implicates the petitioner. The accused including the petitioner used to threaten her as a result of which, she was so scared that for three years she did not even report the incident to her parents. The victim is now mentally unstable and this could probably be the result of the trauma that she has gone through in her growing years at the hands of petitioner and other co-accused.

(Para 8)

Rajiv Singh, Advocate, *for the petitioner.*

### **SUVIR SEHGAL, J.**

(1) Court has been convened through Video Conferencing due to Covid-19 pandemic.

(2) Instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.28 dated 05.02.2020 under Sections 354 and 354-A IPC (Offence under Sections 384 and 120-B IPC added later on) and Section 8 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station City Rupnagar, District Rupnagar.

(3) Briefly stated, the facts of the case are that a written complaint was given by a 16 years old girl wherein she stated that about three years ago when she was studying in Sahibzada Ajit Singh Academy and she was staying with her parents on rent in the house of Paramjit Singh, his son Jatinder Singh attempted to rape her. When she went for tuition to the house of Madam Supriya, she used to force her to drink, smoke and even administered her some injections. Madam Supriya made an obscene video of her (victim), blackmailed her and demanded money as well as jewellery from her. The victim has particularly narrated an incident when she was asked to steal jewellery from her house on the occasion of *Karwa Chauth*. Madam Supriya had uploaded the video in a group of which Jaspreet Singh Bains, Manjinder Singh @ Bittu, Jaswinder Singh (present petitioner), Jatinder Singh and Paramjeet Kaur @ Simran were members. She stated that all the accused used to threaten to molest her and were extracting money from her. She stated that she did not report the

incident earlier because she was scared that her parents will reprimand her. The statement of victim was recorded under Section 164 Cr.P.C.

(4) Counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated. The petitioner had no concern whatsoever with the incident alleged in the FIR and that he was working as a driver which is a touring job and he has no contact with the victim. Reliance has been placed upon order dated 20.02.2020 (Annexure P2) whereby interim bail was granted by this Court to co-accused in CRM-M-7643-2020.

(5) I have considered the submission of counsel for the petitioner.

(6) The FIR has been registered on the statement of a 16 years old girl that implicates the petitioner. The accused including the petitioner used to threaten her as a result of which, she was so scared that for three years she did not even report the incident to her parents. The victim is now mentally unstable and this could probably be the result of the trauma that she has gone through in her growing years at the hands of petitioner and other co-accused.

(7) The argument of the counsel for the petitioner that petitioner had no access to the house of complainant stands belied because it has come on record that his mother was working as a maid at the house of the victim. Furthermore, the fact that the petitioner was a member of the group where the objectionable video was circulated makes him an accomplice to the offence. The grant of interim bail to the co-accused does not advance the case of the petitioner, who is a sexual predator. The life of a young girl has been ruined as a result of the abuse that she has gone through in her formative years.

(8) Considering the gravity of the offence and the fact that the victim was minor girl of 13 years of age at the time of alleged occurrence, the petitioner is not entitled to the concession of anticipatory bail. There is no merit in the instant petition. The same is accordingly dismissed.

(9) It is clarified that any observation made hereinabove shall not be construed as an expression on the merits of the case.

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*Dr. Payel Mehta*