

In the Court of Mrs. Neelam Arora, Addl. Sessions Judge, Hoshiarpur
UID No. PB0091

BA : CIS No. 2514 of 18.10.2021
CNR No. PBHO0100 7004 2021
Date of decision: 22.10.2021

1. Mandeep Singh @ Manu aged 19 years son of Shamsher Singh,
2. Sapna aged 40 years wife of Shamsher Singh, r/o village Rara, PS Tanda, District Hoshiarpur.

.....Accused/applicants

Versus

State of Punjab.

.....Respondent

FIR No. 204 dated 5.9.2021
U/s 323, 354A IPC 1860
& Section 12 of POCSO Act (Amended), 2012, 2019
PS : Tanda, District Hoshiarpur

Present: Sh. HS Saini Advocate for applicant/accused
Sh. Rajneesh, Addl. PP for the State

ORDER

This order of mine shall dispose off an application under Section 438 Cr.PC, moved by applicant/accused, seeking anticipatory bail in instant case.

2. Notice of bail application was given to the State through Ld. Addl. PP for the State.

3. It is submitted by the learned counsel for applicants/accused that as per allegations in the FIR, no offence is made out against the accused and all the offences in questions are bailable, except under Section 12 of the POCSO Act, 2012. He further submitted that co-accused i.e. father of applicant No. 1/husband of applicant No.2 has already been granted regular bail by this court, vide order dated 14.10.2021. Nothing is to be recovered

from the applicants/accused and their custodial interrogation is not necessary in this case and that the applicants/accused are ready to join the investigation, as and when required. Hence, he prayed that present bail application may be allowed.

4. On the other hand, the learned Addl. PP for the State resisted the bail application and there are very serious allegations against the applicants/accused for the offences U/s 323, 354A IPC 1860 & Section 12 of POCSO Act, 2012. He submitted that in the FIR, the prosecutrix has levelled clear cut allegations that applicant/accused Mandeep Singh made objectionable gesture towards her by placing his hand upon his private part and when this fact was reported to the mother of Mandeep Singh i.e. accused Sapna, she slapped the prosecutrix. Hence, it is prayed that keeping in view the serious nature of allegations, present bail application may be dismissed.

5. Heard. Perused the record. As per case of prosecution, the prosecutrix/victim has levelled allegations before the police on 5.9.2021 that about two months ago, accused Mandeep Singh @ Mannu son of Shamsher Singh has clicked her photographs with bad intention and has tried to defame her and the matter was settled before the panchayat. Again on 2.9.2021 at about 8.00 am, when she was cleaning outside of her house, she found that said Mandeep Singh was clicking her photograph in his mobile and when she saw towards him, he made objectionable gesture towards her by placing his hand on his private part. She told this fact to her mother and her mother told this fact to the mother of accused Mandeep, namely, Sapna. Then Sapna came to their house and he slapped the prosecutrix and left the spot. The prosecutrix further alleged that thereafter at about 3.00 pm, the

prosecutrix went to shop, then Shamsher Singh @ Kaka, the father of Mandeep Singh was found standing in the street and he was under the influence of liquor and he called bad name for her and also made objectionable gesture towards her by holding his private part, after which she went to her house and that occurrence was also witnessed by Avtar Singh and Lakhwinder. Therefore, from the allegations in the FIR levelled by the prosecutrix/victim, earlier also the applicant/accused Mandeep Singh has tried to defame her, but the matter was settled before the panchayat and thereafter again he was allegedly clicking her photograph in his mobile and when the prosecutrix saw towards him, he by placing his hand on his private part made objectionable gesture towards her, with intention to outrage her modesty and when the matter was reported to his mother i.e. applicant Sapna, she slapped the prosecutrix. Therefore, keeping in view these facts and circumstances of the case, this court does not deem it fit to grant discretionary relief of anticipatory bail to applicants/accused. Accordingly, the instant bail application is dismissed. However, anything stated in this order shall have no effect on the merits of the case. Record be returned. Papers be attached with the remand papers.

Announced
22.10.2021
baljinder

(Neelam Arora)
Addl. Sessions Judge
Hoshiarpur
UID No. PB0091

Mandeep Singh & anr vs State CIS No. 2514 of 2021
CNR No. PBHO0100 7004 2021

Present: Sh. HS Saini Advocate for applicants/accused
Sh. Rajneesh, Addl. PP for the State

Record produced. Arguments heard. Vide my separate detailed order of today, bail application filed by applicants/accused has been dismissed. Police record be returned. Bail application file be attached with the remand papers.

Announced
22.10.2021

baljinder

(Neelam Arora)
Addl. Sessions Judge
Hoshiarpur
UID No. PB0091