

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-23556 of 2016(O&M)

Date of decision : 01.09.2016

Shivam Sharma @ Gajni

... Petitioner

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Inderjit Sharma, Advocate
for the petitioner

Mr. J.S. Bhullar, AAG Punjab

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking regular bail in FIR No. 211 dated 22.08.2015 registered at Police Station City Kapurthala under Sections 323/427/366/376/120-B IPC and Section 4, 8 of POCSO Act.

Learned counsel for the petitioner contends that the petitioner is in custody since 02.09.2015 and the prosecutrix had been examined but thereafter an application under Section 319 Cr.P.C. was moved. It was urged that the prosecutrix had not named the petitioner in her statement under Section 164 Cr.P.C. or in her statement given in the Court and when she was turned hostile and was being cross-examined she only named the petitioner and the main accusations are against her own Bhabhi and her brother. It was urged that the victim had named her relatives but the police gave a clean chit to the main culprits and implicated the petitioner without any fault and the girl was not a minor and the petitioner is just 18 years old.

The allegations in the FIR were against sister-in-law (Bhabhi) namely Ranjit Kaur and one unknown young man and against Sandeep Singh (brother-in-law) of her brother.

Without commenting anything on the merits of the case and considering the fact that the trial will take time to conclude, the petition is allowed

and the petitioner is ordered to be released on bail on his furnishing adequate bonds to the satisfaction of the trial Court/Duty Magistrate with a rider that he would stay away from the prosecutrix and would not contact her directly or indirectly.

September 01, 2016
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(ANITA CHAUDHRY)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No