

In the High Court of Punjab and Haryana at Chandigarh

CRM -M-6395 of 2017

Date of Decision: 17.3.2017

Anthony alias Rahul

---Petitioner

versus

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Sahil Puri, Advocate
for the petitioner
Mr. Ankur Jain, AAG, Punjab assisted by
Mr. Vivek K.Thakur, Advocate
for the complainant

Rekha Mittal, J.

The petitioner prays for grant of regular bail in FIR No. 89 dated 6.7.2016 for offence punishable under Sections 376, 511 of the Indian Penal Code (in short “IPC”) and Section 4/8 of the Protection of Children from Sexual Offences Act, 2012 (in short “the Act”) registered at police station, Sadar, District Kapurthala.

Counsel for the petitioner has submitted that the material witnesses in the case namely Surjit Singh grand father of the alleged victim and the victim child have already been examined. Surjit Singh in his cross examination has admitted that Kashmiri Lal father of the petitioner convened a panchayat and forced him to return the agreement to sell. He has further admitted that he was having grudge against him (Kashmiri Lal)

as he lowered his modesty before the general public by return of agreement of sale to him (Kashmiri Lal). It is further submitted that the victim girl in her cross examination had stated that Sukhjit Singh told her about name of the accused and shown the accused to her. She has further admitted that except inserting his tongue in her mouth, accused did not do any other act. The next submission made by counsel is that as material witnesses have already been examined, there is no danger of the petitioner tampering with the prosecution evidence in case enlarged on bail when otherwise, there is no allegation against the petitioner that he is likely to flee from the process of justice in case released from custody.

Counsel for the State has opposed the prayer for bail with the submission that taking into consideration gravity of allegations, the petitioner does not deserve to be enlarged on bail. It is further submitted that some video recording made in the mobile phone has been sent for opinion of the forensic science laboratory and the report is awaited.

I have heard counsel for the parties, perused the paper book and police records.

The material witnesses of the case have already been examined. The complainant admittedly nursed grudge against father of the petitioner as there was some loan transaction and agreement to sell. Taking into consideration the facts elicited in cross examination of the complainant as well as the victim, without dilating further, lest it may cause prejudice to either of the parties during trial, bail to the petitioner subject to satisfaction of the trial court. However, the petitioner shall abide by the following conditions:-

(i) He shall not offer any threat, promise or inducement to

any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and
(ii) He shall not leave the limits of this country without prior permission of the Court.

Petition stands disposed of.

(Rekha Mittal)
Judge

17.3.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No