

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

214

CRM-M-8265-2017

Decided on : 12.05.2017

Gurmeet Singh @ Kala

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM : HON'BLE MRS.JUSTICE REKHA MITTAL

Present : Mr.Prateek Pandit, Advocate
for the petitioner.

Mr.Ankur Jain, AAG, Punjab.

Rekha Mittal, J. (Oral)

The petitioner prays for grant of regular bail in FIR No.49 dated 31.05.2016 for offence under Sections 363, 366-A of the Indian Penal Code (in short 'IPC') (offence under Section 376 IPC and 4 of Protection of Children from Sexual Offences Act, 2012 (in short 'POCSO' added later) registered at Police Station Subhanpur, District Kapurthala.

Counsel for the petitioner has submitted that prosecutrix was 17 years and 09 months old as per her date of birth recorded in the school records at the time of registration of FIR. She voluntarily left her house and stayed with the petitioner for number of days without raising any commotion. The prosecutrix knew the accused for the past two years as her sister is married to elder brother of the petitioner. The prosecutrix and her father, material witnesses of the case, have already been examined. The prosecutrix has admitted correctness of the photographs marked as exhibits in her cross-examination, sufficient to prove their intimacy. The petitioner is in custody since June, 2016 and conclusion of trial is likely

to take its own time.

Counsel for the State has not disputed the facts on record but opposed the prayer for bail in view of gravity of the offence charged against the accused.

Concededly, the trial is pending before the court and the material witnesses namely the complainant and prosecutrix have already been examined. It is matter of record that prosecutrix and the accused knew each other for the past two years and the prosecutrix left the house on the intervening night of 27/28.05.2016 at about 11/12:00 late at night. Prosecutrix has also admitted certain photographs put to her during cross-examination.

Without meaning to express any opinion on merits of the controversy, bail to the petitioner subject to satisfaction of the trial court.

However, he 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 this Court.

[Rekha Mittal]
Judge

12.05.2017
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No