

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

Crl. Misc. M-21368 of 2018 (O&M)
Date of Decision: July 25, 2018

Naseem Ali

...Petitioner

Versus

U.T. of Chandigarh

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. J.S. Dhaliwal, Advocate
for the petitioner.

Dr. Sukant Gupta, Addl. P.P. U.T., Chandigarh.

JAISHREE THAKUR, J. (Oral)

This is the second petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.288 dated 08.09.2017, under Sections 363, 366-A, 376 of Indian Penal Code and Section 4 of POCSO Act, registered at Police Station Central, Sector 17, Chandigarh.

Learned counsel for the petitioner contends that the petitioner herein has been in custody since 09.10.2017. It is argued that in fact, the relationship that developed between the petitioner and the daughter of the complainant was consensual. It is argued that a reading of the cross-examination of the daughter of the complainant would reflect that the victim had addressed a letter to the High Court stating that the entire FIR has been lodged under pressure that had been exercised upon her by her parents,

while also admitting to the fact that after the arrest of the petitioner herein, the prosecutrix had gone to meet him at the jail, while he was in custody. In the cross-examination, it is also admitted that she is in love with the petitioner.

Learned counsel appearing on behalf of the respondent-State, raised an objection to the grant of regular bail to the petitioner, while contending that any consent given would be immaterial in the facts and circumstances of the present case. This court is further informed that the material witnesses have been examined and it is the official witnesses that are left to be examined. It is stated that next date before the trial court is 03.08.2018, on which date two witnesses have been summoned.

I have heard learned counsel for the parties, apart from perusing the record.

In view of the facts and circumstances of the instant case and the gravity of the allegations that have been levelled against the petitioner, this court is not inclined to allow regular bail to the petitioner herein, at this stage, even though co-accused has been allowed bail. As such, the instant petition stands disposed of, while giving direction to the trial court to complete the evidence within a period of six weeks from the date of receipt of certified copy of this order.

July 25, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No