

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

**CRM-M No.48539 of 2017 (O&M)
Date of Decision: January 16, 2018**

Mohan @ Monu @ Naresh Puri

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Rajesh Bhateja, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab
for the respondent-State.

LISA GILL J. (ORAL)

The petitioner seeks the concession of bail pending trial in FIR No.138 dated 26.06.2017, under Sections 363, 366-A IPC and Sections 3 and 4 of POCSO Act, registered at Police Station Sohana, District SAS Nagar, Punjab.

It is submitted that the petitioner has been falsely implicated on the basis of the abovesaid FIR registered at the instance of the father of the victim. In fact the petitioner and the alleged victim had friendly relations. It is submitted that parents of the victim had filed Criminal Writ Petition No.892 of 2017 for issuance of a writ of habeas corpus for production of the victim-their minor daughter from the alleged illegal custody of the present petitioner. Custody of the victim after her recovery from the company of the petitioner was handed over to her parents under orders of the learned Judicial Magistrate, 1st Class, Mohali. The victim while appearing

before this Court in the said proceedings stated that she had friendly relations with the present petitioner-Mohan @ Monu @ Naresh Puri, therefore she was residing with him. Parents of the victim withdrew the said writ petition. The victim it is noted was in the custody of the parents.

Learned counsel for the petitioner submits that the petitioner is not been proceeded against for the offences punishable under Sections 3 and 4 of POCSO Act. Charge against him has been framed under Sections 363, 366-A and Section 18 of the POCSO Act. It is submitted that even in her statement under Section 164 Cr.P.C. the victim specifically stated that she accompanied the petitioner out of her own accord. It is thus prayed that this petition be allowed.

Certified copy of the charge-sheet produced in Court today is ordered to be taken on record subject to just exceptions.

Learned counsel for the State submits that the question of consent or otherwise is irrelevant as the victim in the present case was a minor. However, the petitioner is not reported to be involved in any other criminal case. There are no allegations that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by petitioner-Mohan @ Monu @ Naresh Puri is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned

Trial Court/Duty Magistrate.

The petitioner shall not try to contact the victim, her family members or any of the witnesses, directly or indirectly in any manner. Any such infraction in this regard may entail cancellation of his bail.

None of the observations made hereinabove shall be construed to be a reflection on the merits of the case and shall have no bearing on trial.

(LISA GILL)
JUDGE

January 16, 2018

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No