

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

**CRM-M-8218-2018
Date of decision: 13.03.2018**

Shekhar Paswan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sunny K. Singla, Advocate,
for the petitioner.

Mr. A. S. Sandhu, Addl. A. G., Punjab.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 04 dated 04.01.2017, under Sections 363, 366-A, 376, 120-B of the IPC and Sections 3 and 4 of the POCSO Act registered at Police Station Focal Point, Ludhiana City, District Ludhiana,

It is contended by learned counsel for the petitioner that the petitioner has falsely been implicated in the aforesaid FIR which has been registered at the behest of the father of the victim who allegedly solemnized marriage with the petitioner herein on 25.12.2016. It is also submitted that the petitioner is in custody since 20.07.2017 and since the trial is likely to take some time, the petitioner should be enlarged on regular bail.

Mr. A. S. Sandhu, Addl. A. G., Punjab, has appeared on behalf of respondent-State and opposed the grant of regular bail to the petitioner by submitting that the offences are serious in nature.

I have heard learned counsel for the parties.

Before dealing with whether the petitioner is entitled to grant of regular bail or not, it would be appropriate to mention that under the same FIR, co-accused Sita Ram Paswan applied for grant of regular bail by filing CRM-M-24314-2017. In those proceedings, the victim appeared in Court and placed on record a copy of the enrollment slip of her Aadhaar Card showing her age to be 20 years while supporting the case of Sita Ram Paswan for grant of regular bail. This Court by order dated 17.07.2017 allowed bail to Sita Ram Paswan in view of the fact that no recoveries were to be effected from him and he was not required for any further investigation in the FIR.

Today, the victim puts in appearance and opposes the grant of regular bail to the petitioner herein by stating that she is only 14 years of age and that she had been threatened by the family members of the petitioner herein that in case she did not support the bail application of Sita Ram Paswan, she would be killed. This Court has interacted with the victim and does not think it appropriate, at this stage, to go into the question whether or not she is major or had she married the petitioner voluntarily? This is a matter for the trial Court to determine whether the victim married voluntarily and whether the enrollment slip of her Aadhaar Card is genuine to determine her age.

However, this Court cannot lose sight of the fact that the petitioner herein has been in judicial custody since 20.07.2017 and since the trial is likely to take some time, no useful purpose would be served in keeping him in custody furthermore. Hence, the present petition is accepted. The petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate

concerned.

However, any opinion expressed herein is for the purpose of grant of regular bail and not an opinion on the merits of the case.

13.03.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No