

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M-2637-2019

Date of Decision:25.01.2019

Sonu Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. J.S. Jaidka, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.84 dated 30.03.2016 under Sections 363, 366-A IPC and Section 4 of the Protection of Children From Sexual Offences Act, 2012, (for short “the POCSO Act”), registered at Police Station Basti Jodhewal, District Ludhiana.

Learned counsel for the petitioner states that the petitioner is in custody since 31.03.2016 and he has not been charged for the offence punishable under the POCSO Act. Even otherwise, complainant in the case has already been declared hostile. Moreover, as per testimony of the complainant, prosecutrix was not recovered from the possession of the petitioner. Even the prosecutrix has been examined and there is no possibility of influencing any witness.

Learned State Counsel on instructions from ASI Kulwinder

Singh has filed the custody certificate, which is taken on record and does not dispute the custody period. He states that no doubt the complainant has been declared hostile, but the prosecutrix has supported the case of the prosecution and trial is at advanced stage as against total 16 witnesses cited by the prosecution, only 08 witnesses have been examined.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 31.03.2016. As against total 16 witnesses cited by the prosecution, only 08 witnesses have been examined so far, this Court finds that trial in the case will take sufficient long time. Moreover, the complainant at whose behest the present FIR has been registered, has not supported the case of the prosecution and has been declared hostile, though the prosecutrix has supported the case of the prosecution. The present FIR was registered under Sections 363, 366-A IPC and Section 4 of the POCSO Act as well, but now he has not been charged under the POCSO Act and is not facing trial under the POCSO Act and only offences punishable under Sections 363, 366-A IPC are left out.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly.

January 25, 2019

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(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No