

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-10649 of 2019 (O&M)
Date of Decision: 24.4.2019

Azad

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Sham Lal, father of the petitioner.

RAJ SHEKHAR ATTRI, J. (Oral)

CRM-13338-2019

Allowed as prayed for and documents Annexures P-7 to P-9 are taken on record subject to all just exceptions.

CRM-M-10649-2019

The present petition has been filed under Section 439 Code of Criminal Procedure (in short, "Cr.P.C".) for grant of regular bail to the petitioner in case FIR No.357 dated 28.9.2018 registered for the offences punishable under Sections 363, 366-A, 376, 34 of Indian Penal Code (for short, "IPC") and 3 & 4 of Protection of Children from Sexual Offences Act at Police Station Zirakpur, District SAS Nagar, Mohali

Heard.

Father of the petitioner submits that his son has been falsely implicated. Even the prosecutrix and her father had categorically stated that the prosecutrix had in fact gone to her relatives in Uttar Pradesh and she

would like to reproduce the relevant part of the deposition of the prosecutrix as under : -

“Stated that I along with my parents is residing at village Rampur Phudha. I along with my friends went to Delhi and then to U.P. to meet my relatives. My father Veer Singh made complaint to the police about my missing. I have not told to my parents while going to U.P. and Delhi and I came back after some days. My father later on took me to the Police Station where they took my signatures on some blank papers. One police official accompanied me. Police took me to the Court Complex, Dera Bassi and one police official instructed me to depose as per his own wish. I went to the Court complex and deposed before the Ld. JMIC as narrated by the police that was not of my voluntarily statement. I was also taken by the police at the CHC Dhakoli as well as Civil Hospital, Phase-6, Mohali for my medical examination but doctors have not checked me completely nor taken my swabs. Accused Azad did nothing wrong with me. I saw him first time today in the Court....”

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Azad son of Sham Lal is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.

- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the prior permission of the Court.

April 24, 2019

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No