

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

CRM-M-14459-2019

Date of decision:16.8.2019

ASHOK KUMAR

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Vishal Munjal, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab
assisted by ASI Ramesh Kumar.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.27 dated 9.6.2018 under Sections 376, 506 of Indian Penal Code & Sections 4, 6 read with Sections 18 POCSO Act, registered at Police Station Taragrah, District Pathankot.
2. The FIR was lodged at the instance of Sushma Devi wherein it has been alleged that she along with her children had visited her sister's house and that on 8.6.2018 when she and her sister had gone out for some domestic work and when they returned back, she found her daughter (prosecutrix) was in a scared state of mind and upon inquiry she disclosed that Ashok Kumar had raped her and threatened her that in case she discloses anything about the same, she would be killed.

3. Learned counsel for the petitioner has submitted that FIR came to be lodged under some mistaken belief and that when the complainant stepped into the witness-box she has resiled from her statement and she has not stated anything to suggest that petitioner had raped her. Learned counsel in this context has today shown the statement of the prosecutrix herself recorded by the Trial Court on 3.7.2019 wherein she has absolutely resiled from her stand and had categorically stated that some person with muffled face had caught hold of her and that she had raised alarm upon which her aunt and her mother came there. She has specifically stated that Ashok Kumar had not committed any excesses with her.
4. In view of the aforestated position and while also bearing in mind the fact that the petitioner has been behind bars since more than one year, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

(GURVINDER SINGH GILL)
JUDGE

16.8.2019
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No