

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

226

CRM-M-22650-2019

Date of Decision: 19.07.2019

Harpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

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

**Present: Mr. Amandeep Chhabra, Advocate,
for the petitioner.**

Mr. Sukhbeer Singh, AAG, 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.79 dated 14.06.2018 under Sections 363, 366-A, 376, 506 IPC (the offences punishable under Sections 3 & 4 of the POCSO Act were deleted later on), registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

On May 22, 2019, this Court had passed the following order:-

“Counsel for the petitioner states that apart from the fact that the prosecutrix has not supported the ocular version, the petitioner is ready to solemnize marriage with the prosecutrix.

In view of statement so made, the petitioner is ordered to be admitted on interim bail for a period of two months from today subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Adjourned to 19.7.2019.

The parties shall remain present in the Court on next date of hearing.”

Pursuant to the order dated May 22, 2019, the petitioner is present in the Court today. Similarly, Bhola Singh, who is father of the complainant-prosecutrix is also present in the Court. He is identified by learned counsel for the petitioner.

Learned counsel for the petitioner has submitted that as against total 17 witnesses cited by the prosecution, 16 witnesses have already been examined and these witnesses have not supported the case of the prosecution. The petitioner has shown his readiness to solemnize marriage, but during the custody of the petitioner, father of the prosecutrix has solemnized her marriage with some other person. In this manner, the petitioner cannot perform marriage with her. He further submits that as the prosecution witnesses turned hostile, no useful purpose would be served to send the petitioner back to judicial custody.

Learned State Counsel, on instructions from SI Kuldeep Singh, does not dispute the fact that out of total 17 witnesses cited by the prosecution, 16 witnesses have been examined and they have not supported the case of the prosecution and only one formal witness is yet to be examined in the case.

Heard learned counsel for the parties.

Considering the fact that the prosecution witnesses have not supported the case and turned hostile and the petitioner has shown his inclination to solemnize marriage with the prosecutrix, but during the pendency of the present petition, she has solemnized marriage with some other person, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner

bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that during the proceedings pending before the trial Court, the petitioner shall remain present throughout till the trial is concluded. He shall furnish fresh bail bonds before the trial Court immediately on receipt of copy of this order.

July 19, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No