

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221

CRM-M-23086-2019

Date of Decision:24.05.2019

Manohar Lal

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Ms. Gurvir Kaur Gill, Advocate,
for the petitioner.

Mr. Jagmohan Ghumman, 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.135 dated 07.12.2018 under Sections 363, 366-A, 120-B IPC (the offences punishable under Section 376 IPC and Section 6 of the POCSO Act were added later on), registered at Police Station Arniwala, District Fazilka.

Learned counsel for the petitioner states that age of the petitioner has wrongly been typed in the Memo of Parties. Petitioner is about 21 years of age not 35 years as written in the Memo of Parties. She further states that the petitioner is in custody since 08.01.2019. The allegation against the petitioner is that he has helped/facilitated the main co-accused Pirthi Raj in enticing away the daughter of the complainant on the pretext of marriage, from the school. There is no allegation against the

petitioner that he ever committed the offence under Section 376 IPC or

Section 6 of the POCSO Act. Thus, allegation if any is against co-accused Pirthi Raj son of Bihari Ram.

Learned State Counsel does not dispute the custody. He fairly states that in the statement recorded under Section 164 Cr.P.C., the victim has made specific allegations against co-accused Pirthi Raj.

Heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 08.01.2019, allegation if any is against co-accused Pirthi Raj and trial in the case is not likely to be concluded in the near future, this Court finds that the petitioner deserves to be admitted on bail.

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.

However, the observations made hereinabove shall not be construed as an expression on the merits of the case. The trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this 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 in any manner.

May 24, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No