

Date of Decision : 07.11.2019

.....Petitioner

....Respondent

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CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Mr. Pawan Sharda, Senior DAG, Punjab
for the respondent-State.

FATEH DEEP SINGH, J. (ORAL)

Both these regular bail applications having come about in the same very case bearing FIR No.62 dated 22.05.2019 under Sections 354 and 506 of the Indian Penal Code and Sections 12 and 17 of the POCSO Act, 2012 registered at Police Station Nupur Bedi, District Rupnagar are being taken up together.

Heard learned counsel for both the parties and perused the records.

As is there, accused/petitioner-Pushpa Devi, who was married with the complainant-Sodi Ram, gave birth to two kids, the son aged around 06 years and a daughter aged around 03 years. It is during the course of time, the accused/petitioner-Pushpa Devi developed amorous relations with co-accused/petitioner-Amarjit Singh @ Fauji and both of them started residing together. On account of this, marital disaccord arose between the husband and the wife and the husband, thereafter, lodged the present case on the grounds that while children were with the wife, co-accused/petitioner-Amarjit Singh @ Fauji had been sexually harassing them on account of which, the present case has come about.

Learned counsel for the petitioners have argued that it was a pure matrimonial disaccord which has been given a tinge of criminality by the disgruntled estranged husband and that the petitioners are behind the bars since more than 05 months and there

is nothing substantial to establish the case of sexual harassment of the minors.

The learned State counsel though does not displace the facts that have been canvassed before this Court but has strongly opposed the grant of bail that if allowed bail, the petitioners might threaten the witnesses, who are the own children of the accused/petitioner-Pushpa Devi and that the heinousness of the offence does not entitle them to any relief.

Going through the submissions, it is a pure and pure allegations which have come about by the complainant, the estranged husband over the live-in relationship of his wife-Pushpa Devi with co-accused/petitioner-Amarjit Singh @ Fauji. Thus, it keeps the Court on its guard to scrutinize the allegations with care and caution. No doubt, both the children are minors, however, close perusal of the allegations does not contain any specific instance with finer particulars, how or when, in what manner, they have come about. There is nothing suggestive or corroborative from other means.

Keeping in view the petitioners are behind the bars since a long time and investigation/trial is not likely to be accomplished in the near future, culpability, if any, shall be determined at the trial, this Court is of the opinion that it would serve no useful purpose to further detain the petitioner in custody. Accordingly, they are ordered to be released on regular bail to the satisfaction of the Chief Judicial

Magistrate/Duty Magistrate/Illaqa Magistrate of the Court concerned.

The petitions stand disposed off accordingly.

Nothing observed herein would have bearing on the merits of the case.

07.11.2019
Neha

(FATEH DEEP SINGH)
JUDGE

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