

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-36655-2019

Date of Decision:-26.09.2019.

Jasvir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Navjot Singh, 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.0038 dated 24.05.2019 under Sections 354, 354-A, 506, 376 IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 (for short, the POCSO Act) registered at Police Station Rawalpindi, District Kapurthala.

Learned counsel for the petitioner has argued that the alleged incident took place on 12.05.2019, whereas, the FIR has been registered on 24.05.2019 and medical on the person of the prosecutrix was conducted on 25.05.2019. The petitioner is a heart patient and has undergone angioplasty. Not only there is inordinate delay in registration of the FIR, the matter has been compromised between the parties on 03.06.2019.

Mr. Ruhani Chadha, Advocate has put in appearance on behalf of the complainant and filed his Vakalatnama. Same is taken on record. He admits the factum of compromise between the parties.

Learned State counsel, on instructions from ASI Harmit Singh, states

supported the case of the prosecution while making statement under Section 164 Cr.P.C.

I have heard the learned counsel for the parties and have gone through the record.

The petitioner is in custody since 24.05.2019. The alleged incident has taken place on 12.05.2019, whereas the FIR was registered on 24.05.2019. The argument of the State counsel that prosecutrix has made a statement under Section 164 runs contrary to the compromise deed dated 03.06.2019 (Annexure P-4) which again has been signed by the prosecutrix. The FSL report has not been received in this case.

Having considered the prayer of the petitioner and the fact that the petitioner is in custody since 24.05.2019, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

However, it is made clear that in case the petitioner influences the remaining prosecution witnesses in any manner directly or indirectly, the prosecution shall be at liberty to seek cancellation of his bail.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

(HARI PAL VERMA)
JUDGE

September 26, 2019.

sandeep

Whether speaking/reasoned:-

Whether Reportable:-

Yes / No

Yes / No.