

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-41907-2019 (O&M)
Date of Decision:-3.10.2019

Deepu @ Deepak

... Petitioner

Versus

State of U.T., Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Chandan Singh Rana, Advocate for the petitioner.

Mr. Sumit Jain, Addl.P.P., U.T., Chandigarh,
assisted by ASI Ashok Kumar.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.40 dated 6.2.2019 at Police Station Sector 36, Chandigarh under Sections 376(2)N, 370 and 34 of Indian Penal Code and Sections 3, 4, 5, 6, 7 and 8 of POCSO Act wherein challan has been presented under Sections 376(D)A, 370 and 34 of Indian Penal Code and Sections 6, 8 and 16 of POCSO Act.
2. The FIR was lodged at the instance of prosecutrix, wherein it has been alleged that in the month of November 2016 her parents brought her as well as her brothers and sisters to Chandigarh for doing the work of making home made '*ghee*'. It is alleged that they resided in the house of Kiran Vinodiya, where his wife Rekha and son Deepu also resided. It is alleged that in the

month of January 2017, one day when all other members of the family had gone out for selling 'ghee' and she was alone at home, then Deepu, while holding out a promise to marry her, forcibly established physical relations with her and thereafter continued with the said physical relations while issuing threats to her. It is alleged that when she tried to escape from that place, then she was given beatings by Kiran Vinodiya, Rekha Vinodiya and Deepu, who told her that they had paid an amount of ₹1.5 lacs to her parents and that she would be required to stay there and work for them. It is thus alleged by the prosecutrix that her parents left her in the house of Kiran Vinodiya and Rekha Vinodiya after taking an amount of ₹1.5 lacs and that Deepu had been having physical relations with her right from January 2017 till 26.8.2018.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that infact he is a juvenile. It has further been submitted that, in any case, the petitioner has been behind bars since the last about 8 months and although charges have been framed but till date not even a single prosecution witness out of the cited 18 prosecution witnesses has been examined.
4. The learned State counsel has, however, opposed the petition and has submitted that since in the present case the presecutrix was a minor, no case for grant of bail is made out. It has, however, been informed that, till date, not even a single PW out of the cited 18 PWs has been examined.
5. I have considered rival submissions addressed before this Court.
6. Without making any expression as regards merits of the case and while bearing in mind that the petitioner has been behind bars since the last about 8

months and, till date, not even a single PW out of the cited 18 PWs has been examined, further detention of the petitioner will not serve any useful purpose as the conclusion of trial is likely to take some time. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

3.10.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No