

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

CRM-M-46385-2019

Date of Decision:09.12.2019

Satyanarayan @ Satnarayan

.....Petitioner

Versus

State of U.T. Chandigarh

.....Respondent

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

Present: Mr. Mohit Garg, Advocate,
for the petitioner.

Mr. Rajiv Vij, APP, U.T., Chandigarh.

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.80 dated 12.06.2019 under Sections 354, 354-A, 376(iii), 511 IPC and Sections 4 & 18 of the POCSO Act, registered at Police Station Sarangpur, U.T., Chandigarh.

The aforesaid FIR was registered at the behest of mother of the prosecutrix(who is minor daughter of about 15 years). As per FIR on 12.06.2019 at about 7.00 O'clock, the complainant has gone to her shop at Sector 22, Chandigarh, whereas her both sons and the husband have also gone for work. In their absence, the victim was alone in her house and when the complainant returned home at about 8.00 PM in the evening, the victim told the complainant that in their absence, the petitioner-Satnarayan uncle had come to their house and gave Rs.3500/- for the work done by her father. He stayed in the house for some time and bolted the room from

inside. He put off his trouser and started kissing her and also removed her pajami. However, when the prosecutrix raised an alarm, the petitioner ran away from the spot. On disclosure made by the prosecutrix to the complainant, the present FIR was registered.

Learned counsel for the petitioner has argued that the petitioner is in custody since 12.06.2019. There is no allegation of rape having been committed upon the prosecutrix. Even the complainant has admitted this fact that no such medical examination was conducted though the pleaded ground is that the prosecutrix was not feeling well, therefore, medical could not be conducted. In the absence of any medical evidence or any other evidence to support the allegations, the petitioner deserves to be admitted on bail.

Learned APP appearing on behalf of the U.T., Chandigarh, submits that though no medical was conducted in the case, but considering the age of the victim, her statement is liable to be believed and therefore, the petitioner is not entitled for bail.

Heard learned counsel for the parties.

Admittedly, the petitioner is in custody since 12.06.2019. Perusal of the FIR shows that the allegation against the petitioner is that he entered the house of the prosecutrix in the absence of her parents. He bolted the room from inside, put off his trouser and started kissing her and removed her pajami. There is no medical in the case. The culpability as regards commission of offence is yet to be established during the course of trial. Moreover, trial is not likely to be concluded in the near future, as only the prosecutrix has been examined in the case. The possibility to win over the prosecutrix no more exists. Therefore, this Court deems it appropriate to

admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing adequate 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 and 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.

December 09, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No