

225.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-49394-2019

Date of decision: 26.11.2019

PARDEEP SINGH ALIAS MANNU

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Monty Goyal, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner, pending trial, in case FIR No.0066 dated 26.03.2019 registered under Section 376 of IPC and Section 4 of POCSO Act, 2012 at Police Station Dehlon, District Ludhiana.

Counsel for the petitioner states that the prosecutrix has been examined in the case and she has not supported the case of the prosecution, rather has been declared hostile. He has argued that when the prosecutrix was confronted with her statement Ex.PW2/A, she has submitted that the statement Ex.PW2/A from portion A to A1 was given under pressure of police. Her father is police employee. Petitioner is in custody since 26.03.2019. The chances of conviction are quite bleak as prosecutrix has not supported the case.

Learned State counsel, on instructions from ASI Karamjit Singh, states that the prosecutrix was minor (her date of birth is 21.03.2002). He refers to the statement of the prosecutrix recorded under Section 164 Cr.P.C. wherein she has stated that on 23.03.2019, the petitioner entered the house of the prosecutrix at about 10.15 PM and the prosecutrix found him taking away money from the almirah and thereafter, he has taken her on the top of the house where he has committed the offence. However, he states that DNA report in the case is awaited.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 26.03.2019 and the prosecutrix has not supported the case of the prosecution rather stated that she made her statement under Section 164 Cr.P.C. under pressure of the police, as her father is in police, this Court finds that the culpability of the petitioner is yet to be established during the trial and thus, 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 bail bonds/surety bonds to the satisfaction of trial Court.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

26.11.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No