

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.59 of 2020
Date of Decision.13.01.2020

Pankaj @ Sikandar Kumar

...Petitioner

Vs

State of U.T., Chandigarh

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Jasreet Singh, Advocate
for the petitioner.

Mr. Gautam Dutt, APP, U.T, Chandigarh.

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JAISHREE THAKUR J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.10 dated 09.01.2019 under Sections 376 IPC and Section 6 of POCSO Act, 2012 registered at Police Station, Sector 31, Chandigarh.

Learned counsel for the petitioner herein would rely upon the order dated 06.11.2019 wherein it has been noticed that the matter has been compromised between the parties and that parents of respondent No.2 are willing to get marriage of respondent No.2 solemnized with the petitioner, while further arguing that the said order itself noticed the fact that respondent No.2 has turned hostile and has not supported the case of prosecution and therefore, the petitioner is entitled to be enlarged on regular bail.

Per contra, learned counsel appearing on behalf of the respondent-U.T., Chandigarh opposes the bail application, while contending that the offences alleged against the petitioner are serious in nature,

therefore, the petitioner is not entitled to concession of regular bail.

I have heard learned counsel for the parties.

Since the trial court is likely to take some time and in view of the fact that the petitioner herein is in custody since 09.01.2019 and that statement of the prosecutrix has been recorded wherein she has not supported the case of prosecution and further the matter has been compromised between the parties whereby petitioner and the prosecutrix are agreed to solemnize marriage, no useful purpose would be served in keeping the petitioner behind bars. Consequently, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein is not to affect the merit of the case.

(JAISHREE THAKUR)
JUDGE

January 13, 2020

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No