

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

CRM-M-2008-2020
Decided on : 23.01.2020

Baljinder Kumar Sharma

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Yashpal Thakur, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab
assisted by HC Harmesh Singh.

Mr. Vishal Satija, Advocate
for the complainant.

Manjari Nehru Kaul, J.

This is the second petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.74 dated 24.06.2019 registered under Sections 363 and 366-A IPC and Section 4 of POCSO Act at Police Station Chhajli, District Sangrur.

Learned counsel for the petitioner contends that the prosecutrix was well acquainted with the petitioner and even in her statement recorded under Section 164 Cr.PC before the Court below she made a statement in favour of the petitioner wherein she stated that she had left her house with the petitioner of her own accord to perform the marriage with him. Learned counsel for the petitioner has further drawn the attention of this Court to her deposition before the trial court wherein she categorically stated that the petitioner had committed no wrong act with her.

On the other hand, learned State counsel has opposed the bail

application and on instructions from HC Harmesh Singh submitted that no doubt that the prosecutrix made a statement in favour of the petitioner and also declined her medical examination but there are serious allegations levelled against the petitioner. It has also been submitted that only 3 out of 17 prosecution witnesses have been examined till date.

Without commenting on the merits of the case and keeping in view the fact that the trial is unlikely to be concluded in the near future, no useful purpose would be served by keeping the petitioner in custody, specially when the prosecutrix stands examined. In the circumstances, present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial court/Duty Magistrate concerned. However, it is clarified that nothing observed herein above would be construed as an expression on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

23.01.2020

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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No