

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227

CRM-M-4515-2020

Date of Decision:06.02.2020

Gurcharan Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Ms. Dolly Shivani, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

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.515 dated 14.12.2019 under Sections 363, 366-A IPC (the offence under Section 376(2)(N) IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 were added later on), registered at Police Station Rania, District Sirsa.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 03.01.2020 and since the petitioner and the prosecutrix have solemnized marriage, they have approached this Court by way of Cr.WP No.2566-2019 (Gurcharan Singh and another Versus State of Haryana and others), so as to seek protection for having solemnized marriage and this petition was disposed of by this Court vide order dated 24.12.2019. She refers to the photographs attached with the petition,

Annexure P-2. She further submits that the allegation of sexual assault has

not been established as even the prosecutrix has refused to undergo for medical examination.

Learned State Counsel does not dispute the custody period and rather, refers to the statement of the prosecutrix recorded under Section 164 Cr.P.C., wherein she has stated that she has taken the petitioner along with her. In separate statement, she has refused for her medical examination.

Heard.

The petitioner is in custody since 03.01.2020. The prosecutrix has refused for her medical examination and while making her statement under Section 164 Cr.P.C., she has stated that it is on her asking, petitioner has gone along with her. Therefore, culpability of the petitioner is yet to be established during the course of trial. Trial in the case is not likely to be concluded in the near future. Thus, 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 bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that 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.

February 06, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No