

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

Date of decision: 12.05.2020

CRM-M No.12182 of 2020

Prem Singh @ Nikka

...Petitioner

Vs.

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ashok Kumar Khunger, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.0119 dated 30.09.2019 under Sections 363, 366-A, 120-B IPC (offence under Section 376 IPC and Section 6 of POCSO Act, 2012 added subsequently vide DDR No.24 dated 28.11.2019) registered at Police Station Khui Khera, District Fazilka.

2. Mr. Ashok Kumar Khunger, learned counsel for the petitioner, contends that the petitioner has been falsely implicated at the instance of the mother of the prosecutrix. The prosecutrix was never enticed away by the petitioner. He further contended that in her statement recorded before the Judicial Magistrate Ist Class, Fazilka, the prosecutrix specifically stated that she does not want to go to her parents and she wants to stay with the maternal uncle of petitioner and Baljeet Kaur, maternal aunt of petitioner. She further specifically stated that her date of birth is 10.11.2001.

3. Per contra, Ms. Monika Jalota, DAG, Punjab, learned counsel appearing on behalf of respondent-State, on instructions from SI/SHO Balwinder Singh, P.S. Khui Khera, District Fazilka opposes the bail

application stating that the prosecutrix is minor at the time of enticing her away and that if the petitioner is enlarged on bail, he may pressurize the prosecutrix and other witnesses.

4. Having heard Mr. Khunger and Ms. Jalota through video conferencing/WhatsApp [the only possible way due to the pandemic COVID-19 restrictions] and keeping view the fact that the petitioner herein has been in custody 14.10.2019, no useful purpose would be served in keeping the petitioner behind bars since the trial is likely to take some time.

5. Accordingly, at this stage, without going into merits of the case as well as the issue of age of the prosecutrix, 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 by this Court shall not be construed to be an expression on the merit of the case.

12.05.2020
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No