

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

CRM-M- 13066-2020 (O&M)
Date of Decision:- 15.06.2020

Satnam Singh ... Petitioner

Versus

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. B.S.Bairagi Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.99 dated 1.5.2018 under Sections 376/420 IPC and under Section 4 of POCSO Act, 2012 at Police Station City South, Moga, District Moga.
2. The FIR in question was lodged at the instance of prosecutrix wherein she has alleged that she is aged about 17 years and that she was introduced to the petitioner Satnam Singh about 3 years ago, who had started following her. It is alleged that the petitioner was a Dancer and represented that he was willing to marry the prosecutrix and on the basis of the said representation established physical relations with her. It is alleged that the prosecutrix even became pregnant on two occasions and had to get the pregnancy terminated. Subsequently, when her mother came to know about the same, she scolded

her and thereafter when Satnam Singh visited her house, he asked her mother to refrain from scolding the prosecutrix and stated that he was willing to solemnize marriage with the prosecutrix. The petitioner is also stated to have held out a representation that he is likely to get a government job on account of the fact that his father who was holding a government job had expired and he was likely to be employed in his place. The prosecutrix alleged that somehow the accused did not solemnize marriage with her and had now been engaged with somebody else.

3. The learned counsel for the petitioner has submitted that the prosecutrix was a major ever since she established physical relations with the petitioner and her date of birth was 16.1.2000. The learned counsel has further submitted that as of now, the petitioner has been behind bars since the last about 5 months and as such, his further detention is not required for any fruitful purpose.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner had established physical relations by holding out a false promise of marriage, therefore, no case for grant of bail is made out. The learned State counsel has, however, endorsed the fact that the date of birth of prosecutrix is 16.1.2000 and that she was a major. It has further been informed that the petitioner has been behind bars since the last about 5 months and challan already stands presented.
5. I have considered rival submissions addressed before this Court. While bearing in mind that it is a case where the prosecutrix was a major and had established physical relations out of her own free will with the petitioner and

that the petitioner as of now has been behind bars since the last about 5 months, his further detention will not serve any useful purpose.

6. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

15.06.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No