

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15734-2020

Date of Decision : 23.06.2020

Jagseer Singh alias Iqbal SinghPetitioner

Versus

State of Punjab..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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Present: Mr. J.K.Singla, Advocate
for the petitioner.

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MANJARI NEHRU KAUL, J. (Oral)

Due to outbreak of COVID-19 pandemic, the case is taken up
for hearing through video conferencing.

The instant petition has been filed under Section 439 Cr.P.C.
for grant of regular bail in case FIR No. 63 dated 18.08.2019 under Sections
363, 366-A IPC and later on offence under Section 376 IPC and offence
under Sections 3, 4 and 5 of the Protection of Children from Sexual
Offences Act, 2012 was added vide DDR No. 32 dated 20.08.2019 and
offence under Section 6 of the Protection of Children from Sexual Offences
Act, 2012 was added vide DDR No. 12 dated 10.10.2019, registered at
Police Station Joga, District Mansa.

The learned counsel for the petitioner contends that the FIR in
question was registered against the petitioner by the father of the victim as
he was averse to her relations with the petitioner. In fact, the victim had left

her house of her own accord after being threatened with dire consequences by her parents. He further contends that after the recovery of the victim, in her statement recorded before the ACJM, Mansa, (annexed as Annexures P3, P4 and P5 with this petition) she explicitly expressed her desire not to accompany her parents but go to the house of the petitioner's parents. Not only that, when she stepped into the witness box as PW1 during trial she did not support the case of the prosecution and was declared hostile. The learned counsel has contended that the petitioner who is a 21 year old young boy has been in custody since 20.08.2019 and the trial is unlikely to conclude any time in the near future as only one out of the 17 prosecution witnesses cited has been examined till date.

Notice of motion.

On the asking of the court, Ms. Samina Dhir, DAG, Punjab, accepts notice on behalf of the State. She, while opposing the submissions made by the learned counsel for the petitioner, has not been able to controvert the factum of the victim not supporting the case of the prosecution and turning hostile.

Heard.

In view of the submissions made by the learned counsel and keeping in view that the petitioner is a young boy of 21 years of age and has been in custody since 20.08.2019, no useful purpose would be served by keeping the petitioner behind bars as the trial is unlikely to conclude in the near future. I deem it a fit case to grant the concession of regular bail. Thus, without expressing any opinion on the merits of the case, the petition is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that any observation

made herein shall not be construed as an expression of opinion on the merits of the case.

23.06.2020
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(MANJARI NEHRU KAUL)
JUDGE

Note: Whether speaking/reasoned	Yes / No
Whether Reportable:	Yes / No