

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-15907 of 2020 (O&M)

Date of Decision: 06.07.2020

Akashpreet Singh

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

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

Present:- Mr. G.S. Hayer, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-13967 and 13969-2020:

Prayer in these applications filed under Section 482 Cr.P.C. is for exemption from filing/affixing Court fee/affidavit/original copy of power of attorney/*vakalatnama* of the petitioner.

Prayer for exemption of Court fee on account of COVID-19 is accepted with the condition that the petitioner shall deposit the required Court fee/documents within a period of one month when the situation becomes normal from the COVID-19 effect.

The applications stand disposed of accordingly.

Criminal Misc. No.M-15967 of 2020:

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioners in case FIR No.58 dated 01.08.2019 under Sections 363, 366-A IPC and Section 4 POCSO Act registered at Police Station Mehna, District Moga.

Learned counsel for the petitioner has referred to the statement of the prosecutrix as PW-1 dated 13.03.2020, wherein she has stated that she wanted to perform marriage with the petitioner Akashpreet Singh on her attaining the age of majority, but her brother used to beat her due to this reason. On 30.07.2019, she had a quarrel with family members and they gave beatings to her. She left the house of her parents and went to the house of the petitioner, but the petitioner pressurized her to go back to her home. Though the petitioner wanted to perform marriage with her, but on her attaining the age of majority. But the prosecutrix was adamant and was not keen to go back to her home, as she had fear from her family members.

Learned counsel for the petitioner has submitted that as per the prosecutrix, her date of birth is 08.06.2002 and on the relevant date, when she had gone to the petitioner, she had already attained the age of 17 years. He has referred to the statement of the prosecutrix recorded under Section 164 CrPC (Annexure P-5), wherein she has stated that the prosecutrix and the petitioner were studying in same school and had liking for each other. On the intervening night of 29/30.07.2019, she had gone with the petitioner at her own sweet will as she wanted to perform marriage with him. The petitioner is in custody since 05.08.2019.

Learned State counsel does not dispute the custody of the petitioner. However, he submits that the prosecutrix was minor and therefore, no weightage can be given to her statement to the effect that she had accompanied with petitioner at her own sweet will.

I have heard learned counsel for the parties.

Considering the statement of the prosecutrix recorded under Section 164 CrPC and the fact that the petitioner is in custody since 05.08.2019, coupled with the fact that trial in the case will take sufficient long time and no useful purpose would be served by keeping the petitioner in custody, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

July 06, 2020
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(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No