

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

105+210

CRM-M- 22751-2019 (O&M)

Date of Decision: February 07, 2020

Harpreet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Kanwal S. Walia, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, Asstt. A.G., Punjab.

JAISHREE THAKUR, J. (Oral)

CRM-36903-2019

Learned counsel for the applicant-petitioner seeks to withdraw
the present application.

Allowed, as prayed for.

CRM-36920-2019

Application is allowed as prayed for.

CRM-M- 22751-2019

The instant petition has been filed under Section 439 Cr.P.C.
for grant of regular bail to the petitioner in case FIR No.51 dated
19.05.2018, under Sections 363, 366-A of Indian Penal Code (newly added

Section 376 of IPC and Section 3, 4 of POCSO Act, registered at Police Station Sadar, District Kapurthala.

Learned counsel for the petitioner vehemently argues that sections under POCSO Act have been added, which are not sustainable, keeping in view that the date of birth of one of the prosecutrix is 15.01.2000, which if calculated would make her 18 year 02 months, as on the date of the alleged occurrence. It is further argued that there are no such allegations as made out regarding Section 376 in the FIR against him. Learned counsel would also submit that as on date the prosecutrix is residing with the parents of the petitioner herein. After having declined from going with her parents, it is also argued that any allegations under Section 376 would not be borne out either from her statement or the allegations in the FIR considering the fact that she has declined to get her medical done. It is submitted that the question of the petitioner herein influencing the trial would not be possible as already stated above that the prosecutrix is residing at his own home along with his parents. It is also argued in case that the petitioner herein is allowed to be released on regular bail, he would be in a position to put up his defence himself and to also establish the fact that the prosecutrix is a major and wrong sections under POCSO Act had been involved.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, submits that all material witnesses have been examined and now the matter is pending for defence evidence, but at the same time is not able to controvert the fact that all material witnesses have been examined and the question of any influence

being exercised does not arise.

I have heard learned counsel for the parties.

At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner- Harpreet Singh 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.

February 07, 2020
manju

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No