

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

Crl. Misc. M-25754 of 2020
Date of decision: 06.10.2020

213

Sunil Shah

....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Diwan Singh Adlakha, Advocate,
for the petitioner.

Mr. A.A. Pathak, Addl. A.G., Punjab.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in FIR No. 147 dated 21.05.2020 under Section 354-A IPC (Sections 354, 354-B IPC added later on) and Section 8 of the POCSO Act, 2012 (Section 10 of the POCSO Act added later on) registered at Police Station Sirhind, District Fatehgarh Sahib.

Counsel for the petitioner submits that the petitioner has been falsely implicated and is in custody since 22.05.2020. The FIR was lodged after a delay of one day by the mother of the victim. There were money dealings as such between the petitioner and the father of the victim, which would be clear from the receipt dated 08.01.2020 (Annexure P-2) whereby, an amount of Rs.15,000/- had been borrowed by the said person namely Sunil Shah, father of the victim and the namesake of the present petitioner also. The allegations in the FIR as such are of molestation of a minor child of 5 years in the house of the victim itself and in the presence of the mother.

The FIR would also go on to show that the petitioner as such was regularly accompanying the complainant's husband and had returned to the house after both of them had taken liquor.

Directions were issued to the Investigating Officer to file the requisite affidavit regarding the execution of the receipt. Accordingly, Navjeet Kaur, Sub Inspector at Police Station Sirhind has filed her affidavit. In the said affidavit, it has also been verified that there was money dealing as such between both the victim's family and the petitioner. However, the stand of the complainant side is that the money which had been taken had all been returned and nothing was due as per the statement now recorded.

In such circumstances, this Court is of the opinion that keeping in view the background of the parties and the fact that they belong to a common area and hail from Bihar and are engaged in labour work, the possibility as such of false implication cannot be ruled out to avoid repayment. Thus, the petitioner is entitled for the benefit of regular bail during the pendency of the trial.

Resultantly, the present petition is allowed and the petitioner is granted bail, on his furnishing bail bonds/surety bonds, to the satisfaction of the Illaqa/Duty Magistrate, Fatehgarh Sahib. Nothing said herein shall prejudice the Trial Court as such while deciding the case on merits. The bailing Court shall ensure that heavy bail bonds are got executed for the release of the petitioner due to the fact that he belongs to the State of Bihar.

06.10.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No