

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

CRM-M-28965-2020

Date of Decision: 16.11.2020

Harjit Singh @ Laddi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Parveen Chauhan, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.434, dated 16.12.2019, at Police Station Sadar, Tarn Taran, under Sections 365, 376-D, 354-A, 120-B IPC and Section 6 of the POCSO Act.
2. The FIR was lodged at the instance of prosecutrix, wherein it is alleged that on 10.12.2019, she alongwith other members of the family had gone to sleep. At about 10 pm, somebody knocked at the outer gate and when she went to check out, she found that Gurwail Singh @ Kala of their village was present, who asked to open the gate while stating that he has to meet Dheera Singh, father of the prosecutrix. When the complainant opened the gate, Gurwail Singh @ Kala entered inside and gagged her mouth and dragged her outside on the road where Laddi (petitioner), Sabba, Rinku and Gurjant Singh were also present and they all took her to the house of sister of

Gulwail Singh, where Gurwail Singh's sister, namely, Sabo and her husband were also present where Gurwail Singh @ Kala raped her.

3. Learned counsel for the petitioner has submitted that it is a case where the prosecutrix had eloped with petitioner's brother, namely Gurwail Singh and had in fact solemnized marriage and had also sought protection from the Court of Additional Sessions Judge, Amritsar as is evident from the perusal of the order dated 18.06.2020 (Annexure P-3). Learned counsel has further submitted that when the prosecutrix appeared before the Magistrate for getting her statement under Section 164 Cr.P.C. recorded, she absolutely resiled from her statement and categorically stated that she did not wish to accompany her parents and that she may be sent to Nari Niketan.
4. Opposing the petition, learned State counsel has submitted that since the prosecutrix is a minor and serious allegations have been leveled against the petitioner, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court.
6. Bearing in mind that it is the co-accused Gurwail Singh, who was the main accused and the petitioner is brother of the main accused, the false implication of the petitioner cannot be ruled out. In any case, it appears that the prosecutrix has not fully supported the case of prosecution when her statement under Section 164 Cr.P.C. was recorded. In these circumstances and keeping in view the fact that the petitioner has been behind the bars for the last 6 months, further detention of the petitioner will not serve any useful purpose. 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.

(GURVINDER SINGH GILL)
JUDGE

16.11.2020

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Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**