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

**CRM-M-31616-2020
Date of decision-13.10.2020**

Harpreet Singh**....Petitioner****Vs.****State of Punjab****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. D.S.Gandhi, Advocate for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.54 dated 19.05.2020 registered under Sections 376, 506, 450 and 120-B Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual offences (POCSO) Act, 2012 at Police Station Rajasansi, Amritsar, District Amritsar. The petitioner is in custody since his arrest on 21.05.2020.

The FIR was registered on the statement of prosecutrix wherein it was alleged that she was born on 19.07.2003 and is 10th passed. She has two sisters and brother whereas her father, Balwinder Singh retired from Army and is working as Security Guard at Amritsar. Her mother, Poonam is doing household work. About 4/5 months back, her neighbour Harpreet Singh S/o Satnam Singh occasionally used to come in the shops situated outside her house, who used to keep evil eye on her. He gave his mobile number to the complainant and told her to talk and also conveyed his willingness to marry her. The complainant started calling him and further told him that she cannot marry him without the consent of the parents. Then he allured her with his talks and told that he will convince her parents for the

marriage. The complainant believed him, who used to come to her house in the absence of the parents and developed physical relations with her. Whenever he used to come to her house, his friend, Pawandeep Singh, used to stand outside the house to keep a vigil. According to the complainant, the last physical relations with her was made by Harpreet Singh in the month of March, but later on he made excuses to marry her and threatened that in case she disclosed this to his parents, then he would kill her. The complainant being frightened did not disclose anything to her parents. On 05.05.2020 at about 1.00 pm., Harpreet Singh alongwith his friend Pawandeep Singh came to her house in the absence of her parents and tried to make physical relations with her, but the complainant refused. In the meantime, the mother of the complainant arrived and the boys ran away from the spot. Thereafter, the complainant disclosed everything to her mother.

Learned counsel for the petitioner contends that though the prosecutrix is few months below 18 years, but she is mature enough to understand the good and bad, who used to meet the petitioner in the absence of her parents. He further contends that the allegations contained in the FIR itself reveal that the alleged occurrence took place in the house of the complainant and the petitioner never used any kind of force to commit the said offence. It is pointed out that the investigation of the case is complete and therefore, in the given facts, further custody of the petitioner may not be necessary. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Agya Pal Singh has opposed the prayer on the ground that the consent is immaterial as the girl is below the age of 18 years. He submits that though

come. He has prayed that the petition deserves to be dismissed.

At this stage, learned counsel for the petitioner has pointed out that as per the FIR, the alleged last relationship between the petitioner and the prosecutrix took place in the month of March, 2020, whereas the FIR was lodged after a long delay on 19.05.2020, therefore, the report of the FSL may not be of much relevance.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete but trial is yet to commence. At the same time, this Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial, therefore, considering the above background, the further detention of the petitioner behind the bars may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

13.10.2020

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

(MANOJ BAJAJ)
JUDGE
No
No