

Bhola Singh @ Bhola Ram

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Ms. Niharika Gupta, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, A.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

This petition has been filed under the provisions of Section 439 of the Cr.P.C. seeking 'regular bail' for the petitioner in case FIR no. 80, dated 29.08.2018, registered at Police Station Sadar, District Kotkapura, for the alleged commission of offences punishable under Sections 363/366-A/376/342 of the IPC and Sections 3/4/5/6 of the Protection of Children from Sexual Offences Act, 2012.

Learned counsel for the petitioner points to the statement made by the daughter of the complainant, i.e. the alleged victim/prosecutrix on 18.07.2019 under the provisions of Section 164 of the Cr.P.C before the learned CJM (copy Annexure P-2), by which she has stated that she had gone with the petitioner of her own free will and had even stayed with him in a relationship of husband and wife, with him not having done anything against her wishes.

Though she is shown to be 17 years old, learned State counsel submits that as per his instructions from ASI Gurjant Singh, thereafter she has also married somebody else but so far at least has not retracted from the aforesaid statement.

That being so and the fact that the petitioner has been in custody for the past one year and five months, without making any comment on the actual merits of the case, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

December 16, 2020

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Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes
No.