

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

**CRM-M-45839-2019
Decided on : 13.02.2020**

Amarjit Singh Bhatia

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Rishu Mahajan, Advocate
for the petitioner(s).

Ms. Bhavna Gupta, DAG, Punjab
assisted by ASI Harbhajan Singh.

MANJARI NEHRU KAUL, J.

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 163, dated 08.10.2018, under Sections 363, 366-A, 376 IPC and Section 12 of POCSO Act, 2012, registered at Police Station Goraya, District Jalandhar.

Learned counsel for the petitioner *inter alia* has contended that the prosecutrix was having a love affair with the petitioner. The prosecutrix was in fact recovered on the very same day, when she went missing i.e. on 08.10.2018 and there was no corroborative medical evidence also to support the factum of the prosecutrix having been sexually assaulted. It was further submitted that the prosecutrix and her parents had since been examined before the trial Court and they did not support the case of the prosecution, as a result of which, they were declared hostile.

Learned State counsel on the other while opposing the grant of concession of regular bail to the petitioner, submitted that there were serious allegations against the petitioner, however, she could not controvert the

submissions of the learned counsel for the petitioner that the prosecutrix as well as her parents did not support the case of the prosecution and had been declared hostile.

Heard.

Having considered the submissions made by either side, the petitioner has been behind bars admittedly since 09th August, 2018. Hence, no useful purpose would be served in keeping the petitioner behind bars, as the trial would take a long time to conclude. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed herein shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 13, 2020

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*