

CRM-M-377-2021

Date of Decision: 3.9.2021

Manvinder Singh @ Goldi

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. L.M.Gulati, Advocate, for the petitioner.

Mr. M.S. Nagra, Assistant Advocate General, Punjab.

Mr. Surinder Sharma, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.198 dated 15.11.2020 under Sections 354, 354-B IPC and Section 12 of the POCSO Act, 2012 registered at Police Station Division No.1, Jalandhar, District Jalandhar.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated and no offence as alleged in the FIR is made out against him. He contends that the FIR has been lodged by the mother of the prosecutrix, wherein it had been alleged that the victim, who is 8-9 years of age was riding bicycle and at that time the petitioner did obscene act with the victim-child and as a result the present FIR was lodged for taking legal action against the petitioner. The petitioner approached the learned Sessions Judge-cum-Fast Track Special Court of POCSO, Jalandhar for grant of bail.

After hearing, the learned Court below declined the same vide order dated

17.12.2020. Aggrieved by the same, the petitioner has approached this Court by way of filing the present petition for grant of regular bail.

Learned counsel for the petitioner submits that from the bare reading of the FIR, the allegations levelled are not proved. He has drawn attention of this Court to the discussion made by learned Sessions Judge while dealing with the bail by the petitioner. The CCTV footage was produced before the Court and on perusal of the same, he submits that the allegations are not proved.

However, this Court would not comment upon the same and would refrain from giving any comment on the merits of the same, which is totally the domain of the trial Court after perusing the evidence on record.

Learned counsel for the petitioner submits that the petitioner is behind bars since 15.11.2020 and thus, he deserves the concession of bail.

Learned State counsel though opposes the contentions raised by learned counsel for the petitioner, however, he submits that out of total 10 prosecution witnesses 2 prosecution witnesses have been examined and both these witnesses are none other than the complainant and the victim.

Learned counsel for the complainant also opposes the contentions raised by the petitioner. He submits that there is no case made out for grant of bail.

I have heard learned counsel for the parties and perused the record.

This Court finds that the petitioner is behind bars since 15.11.2020 and the material witnesses i.e. the victim and the complainant both stand examined and thus, there cannot be said to have been any

apprehension of extending any type of interference in their examination.
The rest of the witnesses would take some time for examination.

In the totality of the facts and circumstances of the case, I find that the counsel for the petitioner has made out a case for grant for regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

3.9.2021
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No