

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

207

**CRM-M-15233-2021(O&M)
Decided on : 22.09.2021**

JASPREET SINGH @ JASSU

....Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab
assisted by ASI Bhupinder Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.92, dated 11.10.2020 under Sections 363, 366-A and 376 of the IPC and Section 6 of the POCSO Act registered at Police Station City Kurali, District SAS Nagar (Mohali).

Learned counsel for the petitioner has placed on record the testimony of PW-1. Same is taken on record, subject to all just exceptions.

Office to tag the same at appropriate place.

Learned counsel submits that in the FIR in question false

allegations had been levelled against the petitioner by the complainant of enticing away his minor daughter on the pretext of solemnizing marriage. He further submits that the case of the prosecution that after enticing away the prosecutrix, he established physical relations with her, are falsified from the fact that the prosecutrix did not support the case of the prosecution, as a result of which, she was declared hostile. Learned counsel has placed reliance upon the testimony of the prosecutrix, who stepped into the witness box as PW-1. The factum of the prosecutrix having turned hostile during trial stands duly reflected in her deposition, which has been placed on record today. Learned counsel submits that the petitioner be extended the concession of bail as his further custody would not serve any purpose.

Per contra, learned State counsel while opposing the prayer of the learned counsel for the petitioner on instructions from ASI Bhupinder Singh has admitted that the prosecutrix did not support the case of the prosecution as a result of which she was declared hostile. He has also conceded that the prosecutrix was the only material witness in the case in hand and there are as many as 18 more prosecution witnesses who remained to be examined.

Heard.

In the facts and circumstances as enumerated hereinabove, since the petitioner has been in custody since 12th October, 2020, no useful purpose would be served by keeping the petitioner behind bars. The instant petition is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything

contained in this order shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 22, 2021
S.Sharma(syr)

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>