

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.14498 of 2021 (O&M)

Date of Decision:08.07.2021

(Heard through VC)

Makhandeen

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Prateek Pandit, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

CRM No.12743 of 2021

The application for preponing the date of hearing in the main petition has been rendered infructuous.

Dismissed accordingly.

CRM-M No.14498 of 2021

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.73 dated 06.10.2019 registered under Sections 363, 366-A, 376-B IPC and Section 6 of the POCSO Act at Police Station Dilwan, District Kapurthala.

Learned counsel for the petitioner herein would contend that the petitioner has been implicated falsely in the said FIR, as is evident from the fact that statement of the prosecution has been recorded wherein she did not support the prosecution version. In her cross-examination, she has categorically stated that names of accused Lallideen, Jangudeen and

Makhandeen i.e. the petitioner herein had been given by her under the pressure of the police. It is also stated that the aforesaid persons never kidnapped the prosecutrix nor committed any wrong act with her. It is further argued that the investigation has been completed and the challan stands presented, therefore, custody of the petitioner would no longer be required.

Learned counsel for the respondent-State opposes grant of bail to the petitioner by contending that the allegations levelled against him are serious in nature, however, she does not dispute the fact that statement of the prosecutrix has been recorded (which is available on record) wherein she did not support the prosecution version.

I have heard learned counsel for the parties. Keeping in view the fact that statement of the prosecutrix has been recorded wherein she did not support the prosecution version and the fact that the trial is likely to take some time to conclude owing to present COVID-19 pandemic situation, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

July 08, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No