

**102+203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-36113-2021 in/and
CRM-M-16434-2021 (O&M)
Date of decision: 03.11.2021

Prince SainiPetitioner

versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. A.S. Rai, Advocate
for the petitioner.

Mr. Nikhil Chhabra, DAG, Punjab
for the respondent-State.

FATEH DEEP SINGH, J. (ORAL)

Due to outbreak of pandemic COVID-19, the instant case
is being taken up for hearing through video conferencing.

CRM-36113-2021

Medical record as Annexures A-2 and A-3, as per the
statement of the Doctor to examine the prosecutrix, has been placed
on the record in compliance of order dated 28.09.2021 and the same
is taken on record.

CM stands disposed off.

CRM-M-16434-2021(O&M)

This is 3rd regular bail application filed under Section 439

Cr.P.C. in a case bearing FIR No.156 dated 22.07.2018 under Sections 376, 506 of the Indian Penal Code and Section 4 of the POCSO Act registered at Police Station Motinagar, Police Commissionerate, Ludhiana.

The present case was got registered on the statement of a minor girl, student of 10th class alleging that the petitioner happens to be residing in her neighbourhood and both of them developed friendship. It is further alleged that on 20.10.2017, the accused/petitioner took the prosecutrix on a motorcycle and defiled her at a place which act was repeated subsequently a number of times leading to the registration of the present case.

Heard counsel of both the sides and perused the records.

This Court vide orders dated 20.02.2019 and 26.08.2019 had dismissed the two regular bail applications of the petitioner, so filed repeatedly. It could not be displaced by any of the sides that the girl at the time of commission of offence was a minor, a student of 10th class. The petitioner is a married person and apparently, appears to have entrapped the victim for the satisfaction of his lust. The arguments raised by counsel for the petitioner that the girl volunteered into this relationship and over a long period of time, had submitted to this arrangement, does not cuts much ice. Being a minor and the petitioner being a married male, are matters of much concern. More so, the trial is underway and even as is reflected from the orders of the lower Court, there has been attempts by the

petitioner to subvert the trial by influencing the witnesses by a panchayati compromise and, thus, substantiates the plea of the State that if allowed bail, he would subvert the trial and, thus, finding no merits, the present petition stands dismissed.

03.11.2021

Neha

(FATEH DEEP SINGH)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No