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

CRM-M-19517-2021

Date of decision-09.07.2021

Gurpreet Singh @ Gopi**....Petitioner****Vs.****State of Haryana****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Ms. Rupinder K.Thind, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this second petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.171 dated 17.06.2020 registered under Sections 354-D, 506 and 376(2)(n) Indian Penal Code, 1860 and Section 6 Protection of Children from Sexual Offences (POCSO) Act, 2012 at Police Station Ellenabad, Sirsa. The petitioner is in custody since his arrest on 18.06.2020.

The FIR was registered on the statement of prosecutrix and the allegations as noticed by the learned Additional Sessions Judge, Sirsa in the order dated 08.04.2021 are as under:-

“Briefly stated the victim had appeared in the examination of 10th standard in Nivedita Senior Secondary School, Ellennabad. They are four siblings

and she is the eldest. The petitioner-accused had been chasing her since October/November 2019 and he wanted to forcibly converse with her and for this purpose, he handed over to her a small mobile phone bearing sim No.99960-86487. He used to talk to her by threatening and frightening her and also influenced her to meet him. In the months of December and January, he took her forcibly in the fields at village Partap Nagar and made physical relations with her under threat of her life. He went on continuously talking to her on mobile phone due to Lockdown and also compelled her to meet him. On 16.06.2020 at about 3.00/4.00 PM, he telephonically called to meet him but she refused to do so. The victim got frightened and narrated the entire story to her mother. Hence the FIR.”

Learned counsel for the petitioner has argued that in the present FIR, the alleged occurrence is stated to be somewhere between December 2019-January 2020, whereas the FIR was lodged after a long delay in June 2020 to falsely implicate the petitioner. She has further submitted that after registration of the case, another case FIR No.445 dated 21.12.2020 under Section 365 IPC was registered at the instance of father of prosecutrix, namely, Tejinder Kumar and in the said FIR, cancellation report was submitted. Similarly, FIR No.20 dated 25.01.2020 was registered for the offence punishable under Section 363 IPC and later on cancellation report was submitted. It is pointed out by

the learned counsel that the said *modus operandi* was adopted by the father of the prosecutrix to extract money from the accused. In this regard, she has invited the attention of the Court to the trial Court order dated 19.03.2021 (Annexure P-4), wherein the factum of cancellation report filed by police has been noticed. According to her, charges were framed on 22.02.2021, however, trial is yet to commence, therefore, further custody of the petitioner may not be necessary. She prays for bail.

Learned State counsel assisted by SI Tara Chand has opposed the prayer on the ground that the offence is serious, however, it is not disputed by learned State counsel that in the other FIRs mentioned above i.e. FIR Nos.445 and 20, respectively, cancellation reports were submitted before the Court. He further on instructions states that complainant, Tejinder Kumar, who is witness in the present case died on 22.04.2021.

After hearing learned counsel for the parties and considering the custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as the trial is yet to commence, because after framing of charges on 22.02.2021, no witness has been examined so far out of total 26 prosecution witnesses, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 18.06.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

09.07.2021
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No