

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 19033 of 2021

Date of Decision: 21.6.2021

Gurbinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Kamaldip Singh Sidhu, Advocate
for the petitioner.

Mr. Avtar Singh Sandu, Addl. A.G., Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner seeks regular bail in FIR No. 69 dated 28.8.2019 under Sections 363, 366-A, 376 IPC and Section 6 of the POCSO Act, 2012 IPC registered at Police Station Bhaini Mian Khan, District Gurdaspur.

Custody certificate by way of affidavit of Deputy Superintendent, Central Jail, Kapurthala has been filed through e-mail. Copy of the same is taken on record.

Learned counsel for the petitioner submits that he has been in custody since 29.8.2019. He further submits that the victim/prosecutrix and the complainant i.e. her father, Satnam Singh have appeared in the witness box as PW-1 and PW-2, respectively but they did not support the prosecution case and have been declared hostile on 19.2.2021. Learned counsel for the petitioner has drawn the attention of this Court towards the affidavit of the victim/prosecutrix dated 23.9.2020, wherein she stated that

she is major and the present FIR was got registered by her father in heist without inquiring the matter and she does not want to pursue the legal proceedings against Gurbinder Singh (petitioner).

Learned State counsel, on instructions from SI Gurwinder Singh, submits that the age of the victim, at the time of occurrence, was 17 years, 03 months and 26 days. However, he has not disputed the fact that the prosecution witnesses i.e. victim/prosecutrix (PW-1) and the complainant i.e. her father Satnam Singh (PW-2) have been declared hostile by the trial Court.

I have heard the learned counsel for the parties.

In the present case, the prosecutrix as well as the complainant i.e. father of the prosecutrix have not supported the prosecution version while appearing in the witness box as PW-1 and PW-2, respectively, and have been declared hostile. As per the custody certificate, the petitioner has been in custody from the last 01 year, 09 months and 20 days. The trial will take time to conclude because of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

June 21, 2021
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No