

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(209)

CRM No. M-19879-2021
Date of Decision : 24.05.2021

Jagtar Singh @ Shanti

....Petitioner

Versus

State of Punjab

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ashish Gupta, Advocate for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 77, dated 27.06.2020, under Section 376 IPC and Sections 3 and 4 of POCSO Act, registered at Police Station Sadar Kot-Kapura, District Faridkot.

Learned counsel for the petitioner argues that the petitioner has falsely been implicated in the present FIR and the allegations alleged against the petitioner in the FIR are incorrect. Learned counsel for the petitioner submits that not only the complainant but even the prosecutrix in her testimony has refused to identify the petitioner as the person, who has done anything wrong to the minor prosecutrix. The statement of the prosecutrix as well as the complainant have been attached alongwith the petition. Learned counsel for the petitioner argues that keeping in view the facts and circumstances of this case, keeping the petitioner behind the bars

will serve no useful purpose and the petitioner may kindly be granted the benefit of regular bail.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that keeping in view the statement of the prosecutrix recorded under Section 164 Cr.P.C., the allegations were made against the petitioner though, now during the trial, the prosecutrix and the complainant have refused to identify the petitioner as the culprit in respect of the allegations alleged in the FIR.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, during the testimony, the complainant as well as the prosecutrix have failed to identify the petitioner as the culprit behind the offence, no useful purpose will be served in keeping the petitioner behind the bars. It is made clear that this Court is not expressing any opinion with regard to the guilt of the petitioner, at this stage, which will be determined by the Court during the trial keeping in view the evidence, which will come on record. Learned counsel for the petitioner states that petitioner in case is granted the benefit of bail, will not influence the trial or the witnesses in any manner and will maintain good conduct. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

The petitioner is directed to be released on regular bail in this

case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

May 24, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No