IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-17081-2020 (O&M)
Date of decision:29.01.2021

Sukhbir Singh

...Petitioner

Versus

State of U.T., Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Manuj Nagrath, Advocate for the petitioner.
Mr. Rajeev Sharma, APP, UT Chandigarh.
Mr. Shivam Malhotra, Advocate for the complainant.

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HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-30165-2020

This is an application for placing on record documents as Annexures P-4 and P-5 and for impleading the victim/complainant as respondent No.2 in the present case and also to place on record the amended memo of parties.

For the reasons mentioned in the application, the same is allowed. Annexures P-4 and P-5 are taken on record and the victim/complainant is impleaded as respondent No.2. Amended memo of parties is taken on record and the Registry is directed to place it at an appropriate place.

CRM-2373-2021

Application is allowed as prayed for.

Annexure P-6 is taken on record.

CRM-M-17081-2020

Through this petition under Section 439 Cr.P.C., the petitioner seeks regular bail in case bearing FIR No.174 dated 04.09.2019 registered

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under Section 376(3) IPC and Section 10 of the Protection of Children from Sexual Offences Act, 2012 (Section 354 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 added later on), at Police Station West Sector 11, Chandigarh.

Learned counsel for the petitioner states that the petitioner, a 76 years old retired Army personnel, is the maternal grand-father of the prosecutrix. He further states that the prosecutrix, while appearing as PW1, has not supported the prosecution version. Besides, she had refused to undergo the medical examination. In her statement, the prosecutrix stated that she had been pressurized by the police to name her maternal grandfather of having committed the alleged acts with her and that her signatures had been obtained on the blank papers. It is further stated that the petitioner has been in custody since 05.09.2019.

Learned counsel appearing for U.T., Chandigarh, on the instructions of SI Malkeet Singh, and learned counsel for the complainant, while opposing the prayer for grant of regular bail, does not dispute the custody period of the petitioner and the fact that the prosecutrix has resiled from her statement and not supported the prosecution version.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 05.09.2019. Trial of the case would take time to conclude. Moreover, as noticed above, the prosecutrix, while appearing in the Court, has not supported the prosecution version. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is

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allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

29.01.2021 **(HARNARESH SINGH GILL)**
ishwar **JUDGE**

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

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