

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)

CRM-M-17924-2020
Decided on : 09.11.2021

Palwinder Singh @ Pinda @ Parwinder Singh Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Abhinav Gupta, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Himanshu Puri, Advocate
for the complainant.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.24 dated 06.03.2019 registered under Sections 376/506 IPC,1860 and Section 4/6 of POCSO Act at Police Station Sadar Phagwara District Kapurthala.

Learned counsel for the petitioner *inter alia* contends that the petitioner, who has been in custody since 07.03.2019, has been falsely implicated in the case in hand by the prosecutrix, aged 17 years. He submits that in fact both the petitioner and the prosecutrix were neighbours, and had been in a consensual relationship with each other. However, since the family of the prosecutrix was averse to their relationship, she was pressurized to give a statement against the petitioner while recording the FIR in question as well as while getting her statement recorded under

Section 164 Cr.PC. In support of his submissions, he has invited the attention of this Court to the allegations levelled in the FIR as well as the telephonic conversation annexed as Annexure P-5 between the sister of the petitioner and the prosecutrix. He further submits that only 04 out of 16 prosecution witnesses have been examined so far and hence, there is no likelihood of the trial concluding in the near future. Still further, he submits that since the material witness i.e. prosecutrix stands examined, his further incarceration would not serve any purpose. Hence, a prayer has been made to extend the concession of bail to the petitioner.

Per contra, learned State counsel while opposing the prayer of counsel opposite has submitted that the prosecutrix while stepping into the witness box as PW-1 has supported the case of the prosecution and reiterated the allegations levelled both in the FIR in question as well as in her statement recorded under Section 164 Cr.PC. He, on instructions from ASI Gurnek Singh has apprised the Court that DNA report as well as the MLR of the prosecutrix further nails the petitioner in the crime in question.

Heard learned counsel for the parties and perused the material available on record.

Prima facie there are serious allegations levelled against the petitioner for which he does not deserve the concession of bail. Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

At this stage, a prayer has been made by learned counsel for the petitioner that as the petitioner has been in custody since 07.03.2019, directions be issued to the trial Court to expedite the trial and conclude the

same expeditiously.

In the circumstances, trial Court shall make earnest efforts to expedite the trial and conclude the same expeditiously preferably on or before 31.03.2022.

(MANJARI NEHRU KAUL)
JUDGE

09.11.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No