IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.22674 of 2021 (O&M)
Date of Decision:29.06.2021
(Heard through VC)

Narinder @ Sabi ...Petitioner

Versus

State of Punjab ...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sandeep Arora, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

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JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.31 dated 10.03.2020 registered under Sections 363, 366-A, 120-B IPC (Sections 366, 376(3), 376DA, 109 IPC and Section 6 of the POCSO Act, 2012) at Police Station Mahilpur, District Hoshiarpur.

Learned counsel for the petitioner herein would contend that the allegations levelled in the FIR are patently false. In face, he and the daughter of the complainant namely the prosecutrix had solemnized marriage and approached the High Court by way of filing CRWP No.3583 of 2020 seeking protection, which was allowed vide order dated 10.06.2020. However, as the police had registered an FIR against the petitioner, he approached the High Court for anticipatory bail under the said FIR, which had intially been got registered under Section 363, 366A, 120-B IPC at Police Station Mahilpur, District Hoshiarpur and he was directed to join investigation and put in appearance on 24.07.2020. Unfortuantlely, when

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he presented himself before the Investigating Officer, he came to be arrested in another case that was registered against him under Section 307 IPC. Consequently, his anticipatory bail petition was dismissed as withdrawn with liberty to file an application for bail.

Counsel for the petitioner would further argue that the allegation under Section 376 IPC has been added after statement of the prosecutrix was recorded under Section 164 Cr.P.C. and that too, after the prosecutrix had resided willingly with him as his wife for a period of four months. It is further argued that investigation has been completed and the challan stands presented and therefore, custody of the petitioner would no longer be required.

Learned counsel appearing on behalf of the respondent-State opposes grant of bail to the petitioner by contending that allegations against the petitioner are such that he is not entitled to concession of regular bail. It is contended that in fact, there is serious allegation of offence committed under Section 376 IPC against the petitioner and consent of a minor would have no bearing.

I have heard learned counsel for the parties. Keeping in view the fact that the investigation has been completed and the challan stands presented and the trial is likely to take some time to conclude owing to present COVID-19 pandemic situation, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond of Rs.1 lakh to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case. It is made clear

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that the petitioner herein would not make any attempt to contact the prosecutrix or her family members in any manner whatsoever. In case of any default on the part of the petitioner, the respondent-State would be at liberty to file an application for cancellation of bail granted to the petitioner.

(JAISHREE THAKUR)
JUDGE

June 29, 2021
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

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