

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Criminal Misc. -M No.23242 of 2021

Date of Decision: June 30 , 2021.

Gurpreet Singh @ Gora

..... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Brijesh Nandan, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioner seeks bail pending trial in FIR No.0097 dated 26.06.2019 under Sections 363/366A IPC (Section 376 IPC and Section 6 of POCSO Act, 2012 added later on), registered at Police Station Mehta, District Amritsar. This is the petitioner's second bail application, first having been dismissed as withdrawn on 11.08.2020.

As per allegations in FIR No.0097, which was registered on the statement of mother of the alleged victim/prosecutrix, complainant alongwith her children shifted to rented accommodation at Chowk Mehta after death of her husband. Present petitioner is alleged to follow the victim. It is stated that the complainant had left her daughter at home on 23.06.2019 to meet her maternal uncle. However, when complainant reached home, her daughter was not found present. It is alleged that the complainant apprehended her daughter to have been allured by the present petitioner on false pretext of marriage. The victim was recovered on the morning of 27.06.2019 from the Railway Station allegedly in the company of the petitioner.

Learned counsel for the petitioner argues that petitioner has been falsely implicated in this case for no rhyme or reason. In fact, the complainant wanted to marry off the victim to an old aged man for extraneous consideration. It is contended that an absolutely false story has been concocted to involve the present petitioner, who is a youngman aged twenty one and is not involved in any other criminal case. It is further submitted that no case under Section 376 IPC and Section 6 of the POCSO Act is made out in any manner. Learned counsel refers to the medical evidence in this respect, besides, the statement of victim herself to the effect that there was no sexual intercourse between the petitioner and the prosecutrix. It is further submitted that the petitioner has been in custody since 27.06.2019 and there is no headway in the trial. The petitioner undertakes to face trial and not misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Learned counsel for the State opposes the bail application while submitting that the victim in this case is a minor aged about 15 years. However, learned counsel for the State does not deny the medical evidence which reveals that there was no injury, whatsoever, external or internal on the person of the victim and that the medical evidence further indicates that no sexual intercourse had ever taken place between the petitioner and the victim. Learned counsel, on instructions from ASI Sandeep Singh, verifies that the petitioner is not involved in any other criminal case and has been in custody since 27.06.2019. There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the present facts and circumstances of this case.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is made clear that the petitioner shall not directly or indirectly try to contact the complainant-prosecutrix/any of her family members or witnesses in this case. Any such infraction on the part of the petitioner may entail cancellation of his bail.

It is clarified that none of the observations made hereinabove shall

be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

June 30 , 2021.		(LISA GILL)
‘om’		JUDGE
	Whether speaking/reasoned:	Yes/No
	Whether reportable:	Yes/No