

In virtual Court

CRM-M-19426-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19426-2020 (O&M)

Date of decision: 19.01.2021

Monu Kumar

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Deepender Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Saksham Arora, Advocate
for respondent No.2-complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.69 dated 02.05.2020 under Sections 376, 506 IPC and Section 6 of POCSO Act, registered at Police Station Durgi, District Ludhiana.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of victim, it is stated that she is aged about 17 years and was residing with his sister and brother-in-law. She had gone to her parental uncle's house in January, 2020 and stayed there till 07.03.2020. She was brought back by her brother-in-law to Chandigarh, where she informed to her sister that while staying at Ludhiana, son of her parental uncle came to her

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bed and forcibly made physical relations and then extended threat. It is further submitted that in fact, the complainant has submitted an affidavit dated 19.09.2020 sworn before Notary that her date of birth is 11.09.2001 and at the time of FIR, she was above 18 years of age, even as per Aadhar Card and she made the statement under Section 164 Cr.P.C. under the influence of her sister and brother-in-law, as they did not like her meeting with petitioner Monu Kumar. In fact, petitioner Monu Kumar has not committed any wrong with her.

Learned State counsel has, however, opposed the prayer for bail on the ground that the prosecutrix, initially in her statement under Section 164 Cr.P.C., has supported the prosecution version and the petitioner is in custody since 02.05.2020 and though the challan stands presented on 26.06.2020, however, the charges are yet to be framed.

After hearing learned counsel for the parties, without commenting upon merits of the case and considering the fact that the parties are related to each other and the victim has already sworn an affidavit exonerating the petitioner, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

19.01.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No