

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

CRM-M No.25905 of 2021 (O&M)

Date of Decision:16.07.2021

(Heard through VC)

Gursewak Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Atul Goyal, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.196 dated 26.12.2020 registered under Sections 363, 366-A IPC (Section 376 IPC added later on) and Section 4 of the POCSO Act at Police Station Machhiwara Sahib, District Khanna.

Learned counsel for the petitioner herein would contend that the petitioner has been implicated falsely in the said FIR. It is further contended that even in the statement of the prosecutrix recorded under Section 164 Cr.P.C., she has stated that on instigation of the aunt, she had left with Gursewak Singh, however, she had not made any allegation regarding any offence under Section 4 of the POCSO Act. In fact, both the MLR and FSL report available on record would reflect that no such physical relationship was established by the petitioner herein. It is argued that the matter has been investigated and the challan stands presented. The question of influencing the prosecutrix by the petitioner would not arise as she is in

the custody of her parents. The trial is likely to take some time to conclude and therefore, prays for concession of bail to the petitioner.

Learned counsel for the respondent-State opposes grant of bail to the petitioner by contending that the allegations levelled against him are serious in nature, however, she does not dispute the fact that investigation has been completed and the challan stands presented.

I have heard learned counsel for the parties. Keeping in view the fact that the matter has been investigated and the challan stands presented and the fact that the trial is likely to take some time to conclude owing to present COVID-19 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 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.

July 16, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No