

212.

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

CRM-M-23532-2020 (O&M)

Date of Decision: 12.10.2021

SIRAJOO IDRISH @ SIRAJOODIN

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Charanpreet Singh, Advocate,
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR.J (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.183, dated 13.09.2019, registered under Sections 363/366-A/376/506 of IPC and Section 4 of the POCSO Act, 2012 at Police Station Dehlon, District Ludhiana.

Learned counsel for the petitioner would pray for grant of regular bail by contending that the petitioner has been falsely implicated in the present FIR. He is in custody since 06.10.2019. It is argued that in fact it is a case of runaway couple. The prosecutrix and the petitioner herein performed marriage. Apart from that, the counsel would contend that FSL report does not support the allegations, as set out in the FIR, as DNA has not been supplied. It is argued that the prosecutrix has been summoned to come and testify, however, the prosecutrix has not come forth for the last several

occasions, almost 8 in number, to have the statement recorded, despite bailable warrants having been issued.

On the other hand, learned State counsel would oppose the grant of regular bail to the petitioner referring to seriousness of the allegations.

I have heard learned counsel for the parties.

Keeping in view the fact that the petitioner is in custody since 06.10.2019 and the prosecutrix is not stepping forth to have the statement recorded, this Court deems it appropriate to allow regular bail to the petitioner.

Accordingly, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of personal bond in a sum of ₹50,000/- with one surety of like amount to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

However, it is made clear that in case the petitioner herein contacts the prosecutrix in any manner, the bail allowed today, is liable to be cancelled.

(JAISHREE THAKUR)
JUDGE

12.10.2021
sanjeev

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No