IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-26501-2020(O&M)
Date of decision: 13.01.2021

Gurpreet Singh @ Gaggi

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. P.S. Mirpur, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG Punjab.

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HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-27411-2020

This is an application under Section 482 Cr.P.C. for placing on record the marriage certificate of the prosecutrix dated 09.09.2018 (Annexure P-6).

Application is allowed as prayed for. Annexure P-6 is taken on record.

Main case:

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 107 dated 17.10.2017 registered under Sections 363, 366-A IPC and Section 3 the Protection of Children from Sexual Offences (**POCSO**) Act, 2012 and Sections 376, 120-B IPC added later on vide DDR No. 39 dated 03.02.2018, at Police Station City Rampura, District Bathinda.

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Learned counsel for the petitioner states that though the victim is a minor but she has specifically stated in her statement recorded under Section 164 Cr.P.C. that her father had borrowed money from the petitioner; that the petitioner was asking for return of his money; that she had gone with the petitioner on the asking of her father and that the petitioner had not committed any wrong act upon her.

In the cases, involving the offence of Section 376 IPC, the statement of the victim is of vital relevance. In the present case, such statement has not been recorded as yet. Therefore, at this stage no case is made out for grant of regular bail to the petitioner.

Faced with this situation, the learned counsel for the petitioner contends that the present petition may be disposed of with a direction to the learned trial Court to record the statement of the prosecutrix within a stipulated period.

Learned State counsel points out that challan has been presented and now the case is fixed for 14.01.2021 for prosecution evidence.

I have heard learned counsel for the parties.

In view of the above, the present petition is disposed of with a direction to the learned trial Court to make an endeavour to record the statement of the victim at the earliest.

(HARNARESH SINGH GILL)
JUDGE

13.01.2021
Mangal Singh

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No

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