

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

CRM-M No.36445 of 2021

Date of Decision:08.09.2021

(Heard through VC)

Rajinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.65 dated 08.06.2019 under Sections 363, 366-A, 376-DA IPC and Section 6 of the POCSO Act registered at Police Station Moonak, District Sangrur.

Counsel for the petitioner would contend false implication as would be evident from the fact that the co-accused nominated in the FIR has already been acquitted by Additional Sessions Judge, Sangrur by order dated 25.09.2019. It is further contended that the petitioner is in custody from 19.05.2021 and without there being any cogent evidence on the record, his custody cannot be sustained.

Whereas, counsel for the respondent-State would argue that in fact the petitioner herein had absconded and had been declared PO and was only arrested on 19.05.2021.

Per contra, counsel for the petitioner would submit that the petitioner had been declared PO on account of the fact that he could not put in appearance being a seasonal worker and has gone back to Uttar Pradesh.

Be that as it may, keeping in view the fact that co-accused who stands acquitted after the Additional Sessions Judge came to the conclusion that the victim was not a minor on the alleged date of occurrence and moreover, the prosecution witnesses had not supported the case of the prosecution, as statement had been made that victim had gone to reside with her aunt without informing her parents, this Court deems it appropriate to allow regular bail to the petitioner. Consequently, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of 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.

September 08, 2021
P.Bhatt

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No