

217.

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

CRM-M-28483-2019 (O&M)

Date of Decision: 23.08.2021

(Heard through VC)

Rinku

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. B.R. Rana-I, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR.J (Oral)

CRM-8383-2021

Prayer in the application filed under Section 482 Cr.P.C. is to place on record the examination-in-chief as well as cross-examination of PW6, Siya Ram alias Ram, father of the prosecutrix, as Annexure P-4.

For the reasons mentioned in the application, same is allowed and the document Annexure P-4 is taken on record.

CRM-M-28483-2019

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.159 dated 29.06.2017 under Sections 363, 366, 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Division No.2, Ludhiana.

2. Learned counsel for the petitioner would contend that the petitioner has been falsely implicated in the said case because the reading of the FIR and the statement of the prosecutrix would reveal that she was

staying with him on her own consent. It is also argued that a reading of the statement of the father would reflect that the prosecutrix is a major. Apart from that, it is contended that the petitioner has been in custody since 20.01.2018 and the statements of the material witnesses have been recorded, therefore, the question of him influencing them on release would not arise.

3. *Per contra*, learned counsel appearing on behalf of the respondent-State opposes the bail application, while contending that the offences alleged against the petitioner are serious in nature. She further submits that out of 15 witnesses cited, only 5 have been examined as on date and the next date of hearing before the trial Court is 13.09.2021, however, she is not in a position to dispute the fact that the material witnesses, namely, the prosecutrix and the father already stand examined.

4. I have heard learned counsel for the parties.

5. Keeping in view the fact that the material witnesses have already been examined and the fact that the trial is likely to take some time to conclude, as statements of only 5 witnesses out of 15 have been recorded, no useful purpose would be served in keeping the petitioner behind the bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and 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.

(JAISHREE THAKUR)
JUDGE

23.08.2021
sanjeev

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