

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

**CRM-M- 37859-2021 (O&M)
Date of Decision: 23.09.2021
(Heard through VC)**

Narinder Singh

..... Petitioner

VERSUS

State of Punjab

.... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. Animesh Sharma, 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 FIR No. 37 dated 12.04.2021, under Sections 354, 354-A IPC and Sections 8 and 12 of the POCSO Act registered at Police Station Ghagga, District Patiala.

Learned counsel for the petitioner would contend that the petitioner herein has been falsely implicated in the present case as the FIR itself would reveal that the allegations made on the petitioner taking advantage of the prosecutrix seems to be unbelievable. However, it is only on account of the fact that there was a compromise between the parties in which an amount of Rs. 2 lac has been given to the complainant/victim that

the challan came to be presented taking the allegations to be true. It is argued that in fact the amount given under the compromise was only on account of the fact that the petitioner was being blackmailed and in order to save him from the imposition of charges in FIR, the amount was given. It is contended that the matter stands investigated and the challan stands presented and the question of influencing the investigation would not arise. As regards the question of influencing the statement of the prosecutrix is concerned, it is argued that the prosecutrix herself has not stepped forward to have her statement recorded. It is further argued that the prosecutrix is in the custody of her parents, therefore the petitioner would not be in a position to influence her statement.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, vehemently opposes the grant of regular bail to the petitioner, while submitting that offence alleged against the petitioner is serious in nature and that earlier also the allegation of offence under Section 376 IPC were investigated and not found to be true, however, does not dispute the fact that the matter stands investigated and challan stands presented.

I have heard learned counsel for the parties.

The petitioner herein has been in custody since 31.05.2021. The matter stands investigated and the challan stands presented. The trial is likely to take some time to conclude. No useful purpose would be served in keeping the petitioner behind bars any longer. At this stage, without commenting on the merits of the case, the instant petition is allowed with

the condition that the petitioner will not try to contact the material witnesses or the prosecutrix in any manner and will remain 10 km away from the vicinity of the prosecutrix. The petitioner is directed to be released on regular bail on execution of personal and surety bond in the sum of Rs. 1 lac each to the satisfaction of concerned trial Court/Duty Magistrate.

Anything observed in this order shall not be construed as an expression of opinion on merits of the case.

23.09.2021

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(JAISHREE THAKUR)

JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No