

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-4465-2021 in/and
CRM-M-34048-2020

Date of Decision: 18.02.2021

Pardeep Kumar @ Santi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Parveen Chauhan, Advocate,
for the applicant/petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by SI Taro.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

CRM-4465-2021

In view of the reasons mentioned in the application, the same is allowed and the statements of PW-1 and PW-2 are ordered to be taken on record as Annexures A-1 and A-2 respectively.

CRM-M-34048-2020

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.15 dated 14.02.2020 at Police Station Women, District Kurukshetra, under Sections 343, 406, 498-A, 506 IPC; Sections 6, 10, 17 of the POCSO Act and Sections 9 & 10 of the Child Marriage Restraint Act.
2. The FIR in question was lodged at the instance of Anju i.e. the mother of the victim, wherein it has been alleged that she is

illiterate and that her husband is a drunkard. She alleged that a lady named Babli residing in their neighbourhood seduced her minor daughter and married her off with Pardeep. It is alleged that about 3/4 months back, her daughter informed complainant's husband telephonically that she was being physically exploited and requested him to take her away from her matrimonial home. After the victim was brought to her parental home, she informed that her husband Pardeep had been having unnatural physical relations with her and that her brother-in-law also established physical relations with her and her mother-in-law used to torture her.

3. Learned counsel for the petitioner has submitted that the FIR came to be lodged under some misunderstanding, which has now been resolved and in fact when the victim was examined by the Court during the proceedings of trial, she has not supported the case of the prosecution at all and has resiled from her statement. Learned counsel in this regard has drawn the attention of this Court to a copy of the statement (Annexure A-1), which has been placed on record today. A perusal of the said statement shows that the victim has given a clean chit to all the accused and has not supported the case of prosecution at all.
4. Opposing the petition, learned State counsel has submitted that it is a case where the victim has perhaps subsequently been won over or has been pressurized and that in these circumstances, no case for grant of bail is made out given the fact that serious allegations have been leveled in the FIR. Learned State counsel has, however,

informed that the petitioner has been behind bars since the last about 8 months.

5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that the victim has resiled from her statement, when she was examined during the course of trial and that the petitioner in any case has been behind bars since the last about 8 months, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

18.02.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**