

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205)

CRM-M-37014 of 2020

Date of Decision: 16.02.2021

Rakesh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Gaurav Sharma, Advocate, for the petitioner.
Mr. S.S.Deol, DAG, Punjab.

Amol Rattan Singh, J. (Oral)

Case heard by video conferencing.

By this petition, filed under the provisions of Section 439 of the Cr.P.C., the petitioner seeks the concession of 'regular bail', upon FIR no.78, dated 08.08.2019, having been registered at Police Station Sadar Rupnagar, alleging therein the commission of offences punishable under Sections 363, 366 and 376 of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

Learned counsel for the petitioner submits that even as per the statement of the prosecutrix (who is stated to have been about 16 years of age at time of the alleged occurrence), recorded under the provisions of Section 164 of the Cr.P.C, there was no force exerted on her and she had gone on her own with the petitioner.

Upon being confronted with the fact that the prosecutrix obviously being below 18 years of age, her consent would be of no consequence, he submits that even the petitioner was only 19 years of age and has now been in custody for more than one year and one month, with the trial still to effectively commence.

Upon query to the learned State counsel, he on instructions, does not deny the factual position.

Upon further query, he, again on instructions, submits that there is no other criminal case registered against the petitioner.

That being so, without making any comments on the merits of the case, whatsoever the present petition is allowed, with the petitioner ordered to be enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the learned trial Court/CJM/Duty Magistrate concerned.

16.02.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No