

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

CRM-M-43376-2021

Date of decision : 26.10.2021

Parvinder Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. K.K. Gupta, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Prayer in this petition under Section 439 Cr.P.C, is for grant of regular bail in case FIR No.78 dated 22.08.2020, under Sections 376, 506, 120-B of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, at Police Station City Kurali, SAS Nagar.

It has been contended that the FIR in question was registered by Parminder Kaur, the mother of the victim. It was alleged that her eldest daughter is 14 years and 7 months old. It was alleged that her daughter (victim) was raped by the petitioner taking the help of her aunt Nimo Kaur. The incident was filmed by her aunt Nimo Kaur and victim was threatened to be eliminated.

Learned counsel for the petitioner would submit that the occurrence in question was alleged to have happened from 18th June, 2020 to 22nd June, 2020 whereas, the present FIR was registered on 22nd August, 2020 i.e. after delay of two months. He would submit that the petitioner was never named in the FIR. However, he was subsequently falsely implicated in this FIR. He has submitted that the author of the FIR i.e. the mother of the victim was examined as PW-1 whereas, the victim is examined as PW-2 by the trial Court. He submits that he has placed on record the testimony of both these material witnesses which would show that both the material witnesses have not supported the case of the prosecution and were declared hostile. He submits that the petitioner is behind bars since 22nd August, 2020.

In view of the attending circumstances, custody of the petitioner is totally unwarranted as it is evident that he has been falsely implicated.

Learned State counsel has opposed the same and has submitted that the victim in this case is minor and the allegations levelled are of serious in nature. She submits that in all there are 15 prosecution witnesses, out of which, 05 have been examined. However, she candidly endorsed the fact that both the abovesaid material witnesses have not supported the case of the prosecution.

Heard.

The complainant, who is the mother of the victim, and the victim, both are examined. Their testimonies are placed on record which would show that they have not supported the case of the prosecution.

Without commenting anything on the merits of the case, I find that learned counsel for the petitioner has succeeded in making out a case

for bail to the petitioner. The trial of the case will take sufficient time to conclude and no useful purpose will be served by keeping the accused in custody for such a long period. The present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

26.10.2021
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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