

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.43128 of 2020 (O&M)

Date of Decision:08.07.2021

(Heard through VC)

Nirmal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Riffi Birla, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

CRM No.14160 of 2021

Application is allowed.

Annexure P-4 i.e. statement of the complainant (PW6) is taken
on record.

CRM-M No.43128 of 2020

This is a petition that has been filed for grant of regular bail to
the petitioner in FIR No.32 dated 23.03.2019 registered under Sections 376-
D, 506 IPC and Section 6 of the POCSO Act, 2012 at Police Station Makhu,
District Ferozepur.

Learned counsel for the petitioner herein would contend that
the petitioner has been implicated falsely in the said FIR. In fact, the
petitioner is stated to be maternal grandfather of the prosecutrix, who is 67
years of age. The statement of the prosecutrix has been recorded wherein
she has turned hostile, as she did not support the prosecution version. It is

further contended that on account of material witness having been examined, there is little likelihood of him exercising any influence in that regard. The investigation has been completed and the challan stands presented, therefore, custody of the petitioner would no longer be required.

Learned counsel for the respondent-State opposes grant of bail to the petitioner by contending that the allegations levelled against him are serious in nature, however, she does not dispute the fact that statement of the prosecutrix has been recorded (which is available on record).

I have heard learned counsel for the parties. Keeping in view the fact that statement of the prosecutrix has been recorded wherein she did not support the prosecution version and the fact that the trial is likely to take some time to conclude owing to present COVID-19 pandemic situation, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/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.

July 08, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No