

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

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**CRM-M-53333-2021
Decided on : 23.12.2021**

Shannka @ Sukhjinder Pal Singh

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Ajay Paul Singh, Advocate
for the petitioner(s).

Ms. Bhavna Gupta, DAG, Punjab
assisted by ASI Kulwant Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 99, dated 17.08.2019, under Sections 363, 366-A, 376 of IPC and Section 4 of the POCSO Act, 2012, registered at Police Station Sadar Jalalabad, District Fazilka (annexed as Annexure P-1).

Learned counsel for the petitioner submits that it was essentially a case of consensual relationship, as both the petitioner and the victim (aged 15 years), had been in love with each other. Since the parents of the victim were averse to their relationship, a false and concocted story was foisted upon the petitioner. A prayer has been made to extend the concession of bail to the petitioner, as he has now been in custody since 23rd November, 2019 and the trial is not likely to conclude in the near future.

Per contra learned State counsel while opposing the prayer and submissions made by the counsel opposite, has submitted that there

are serious and specific allegations levelled against the petitioner of having enticed away the victim and thereafter having continuously raped her, as a result of which, she became pregnant and delivered a baby boy. She, on instructions, has also submitted that 11 out of total 24 prosecution witnesses cited, including the victim as well as her mother, have been examined before the trial Court, and they fully supported the case of the prosecution.

I have heard learned counsel for the parties and perused the material on record.

Prima facie, there are serious and specific allegations levelled against the petitioner of having enticed away the victim (aged 15 years), on the pretext of marriage and thereafter, having raped her, as a result of which, she became pregnant. The submissions made by learned counsel for the petitioner that the victim was a consenting party would not come to his rescue in view of the fact that the victim was a minor and her consent if any, would be of no consequence.

The petition stands dismissed accordingly. Petition stands dismissed. It is, however, made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merit of the case.

(MANJARI NEHRU KAUL)
JUDGE

December 23, 2021

J.Ram

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