

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 44901 of 2019 (O&M)
Date of Decision: 06.4.2021

Prince Gill

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. A.P.Kaushal, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-29387-2020

This is an application under Section 482 Cr.P.C. for placing on record the statement of prosecutrix under Section 164 Cr.P.C. as well as MLR as Annexures A-1 and A-2.

The application is allowed as prayed for. Annexures A-1 and A-2 are taken on record.

Registry is directed to tag the annexures at the appropriate place.

CRM-M-44901-2019

This is the second petition under Section 439 Cr.P.C. for regular bail in FIR No. 152 dated 25.9.2018 under Sections 363, 366-A IPC and Section 4 of the POCSO Act, 2012 registered at Police Station

Bhogpur, Jalandhar.

Custody certificate by way of affidavit of Superintendent, Central Jail, Kapurthala has been filed through e-mail. Copy of the same is taken on record.

Learned counsel for the petitioner submits that the petitioner has been falsely involved in the present case. He further submits that there was a love affair between the petitioner and the victim (daughter of complainant Lakhwinder Singh) and there are screen-shots of the video calling between the petitioner and the victim as well as the letters and chat messages written by the victim to the petitioner. Learned counsel for the petitioner further submits that the statement of the victim recorded under Section 164 Cr.P.C., is contradictory to her statement recorded in examination-in-chief, while she appeared into the witness box as PW-1. He further submits that the medical evidence does not support the allegation of rape. Learned counsel further submits that in the present case, challan has been presented in the year 2018 and charge has been framed but no witness has been examined till date. He further submits that the petitioner has been behind bars for the last more than 2½ years.

On the other hand, learned State counsel while opposing the bail application, submits that there are specific allegations against the petitioner and as per the medical examination report of the prosecutrix, spermatozoa has been detected. Learned State counsel further submits that charge has also been framed under Section 376 IPC apart from Section 4 of the POCSO Act but the petitioner has not made prayer under Section 376 IPC.

I have heard the learned counsel for the parties.

In the present case, the FIR in question has been lodged by

complainant Lakhwinder Singh against the petitioner alleging that he enticed away her minor daughter on the pretext of marriage. The statement of the victim under Section 164 Cr.P.C. was recorded on 28.9.2018 wherein she has specifically stated that the petitioner took her away by threatening her. She has further stated that the petitioner physically abused her and also gave a dater blow on her left foot. The prosecutrix, while appearing in the witness box has specifically stated that she was confined by the petitioner from 22.9.2018 to 28.9.2018 and during that period, the petitioner committed rape upon her. Moreover, in the MLR of the prosecutrix (Annexure A-2), it has been opined that sexual assault upon the victim cannot be ruled out. The allegations against the petitioner are serious in nature.

No ground for grant of regular bail is made out.

The petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

April 06, 2021
Gurpreet

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