

214-2

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1842-2021

Date of decision : 09.08.2022

Vijay Kumar @ Chhinu

..... Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Mandeep Kaushik, Advocate
for the petitioner.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.51 dated 25.04.2019, under Sections 363, 366-A, 376-D, 342, 34 of the Indian Penal Code, 1860 and Section 6 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Machhiwara Sahib, District Khanna.

Learned counsel for the petitioner has submitted that the petitioner was arrested in this case on 28.04.2019. He has submitted that the allegations against the petitioner regarding kidnapping and making physical relations were totally false and frivolous. He submits that the victim being less than 18 years, the petitioner was implicated in this case. He submits that this Court vide order dated 26.02.2021 had granted the interim bail to the petitioner. At that time, custody of the petitioner was 1 ½ years. He has submitted that the prosecutrix is also examined wherein she in her examination-in-chief has deposed that she did not know

whether the accused had committed sex with her during her stay at that place. He submits that the petitioner is a young boy of 21 years and since the date of his interim bail, he has never misused the concession of interim bail granted to him. He has submitted that at the time of granting interim bail, out of total 21 prosecution witnesses, the prosecution had examined 04 witnesses and after 02 years, even today, the situation almost remains the same as they have examined only 03 more witnesses. As on date, out of 21 prosecution witnesses, only 07 witnesses have been examined. He contends that one of the eye-witness of this case namely, Harpeet Kaur, who is examined as PW-3 has not supported the case of the prosecution and has been declared hostile. He submits that in the facts and circumstances of the case, interim bail granted to the petitioner be made absolute during the pendency of the trial.

Learned State counsel, on the other hand, submits that the prosecutrix is minor and she has supported the case of the prosecution in her statement under Section 164 Cr.P.C. as well as while appearing as the prosecution witness. However, he candidly acknowledges that out of 21 prosecution witnesses, only 07 witnesses have been examined as on date. On instructions from ASI Pargat Singh, he submits that there is nothing on record to show that the petitioner has misused the concession of interim bail granted to him.

After hearing counsel for the parties and perusing the record, it is apparent that the veracity of the allegations would be assessed only on the conclusion of the trial before the trial Court. However, there is nothing on record to show that the petitioner has ever misused the concession of bail or has ever tried to tamper with the prosecution

evidence.

Accordingly, interim order dated 26.02.2021 is made absolute. Present petition stands allowed.

09.08.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No