

232 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
(through video conferencing)

CRM-M-3166-2022
Date of decision:31.01.2022

Lovepreet Singh @ Labbi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Varun Chaudhary, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.17 dated 19.02.2021 lodged under Sections 363, 366-A IPC (Section 376 IPC and Section 6 of POCSO Act, 2012 added later on) registered at Police Station Jaito District Faridkot.

Learned counsel for the petitioner *inter alia* contends that subsequent to the withdrawal of the previous petition on 27.10.2021, the prosecutrix and the complainant had been examined before the trial Court. He submits that both these material witnesses i.e. prosecutrix and the complainant, did not support the case of the prosecution during trial, as a result of which, they were declared hostile. In support of his submissions, he has brought to the attention of this Court to Annexures P-4 and P-5, which are copies of the deposition of the prosecutrix and the complainant wherein the factum of both these witnesses not supporting the case of the prosecution stands duly reflected. Learned counsel, therefore, submits that

it was thus evident that the petitioner had been falsely implicated in the case in hand. He further submits that as the petitioner has been in custody since 02.03.2021, his further incarceration in the aforementioned circumstances would not serve any useful purpose. Hence, a prayer has been made to extend the concession of bail to the petitioner.

Per contra, learned State counsel while opposing the prayer made by counsel opposite on instructions from SI Sukhwinder Singh has not been able to controvert the factum of both the material witnesses i.e. prosecutrix and the complainant having been declared hostile during trial. He, on further instructions submits that 9 more prosecution witnesses remain to be examined.

Heard learned counsel and perused the material available on record.

In the facts and circumstances as enumerated hereinabove, the present petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

31.01.2022
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(MANJARI NEHRU KAUL)
JUDGE

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