

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-3439-2022

Date of Decision: 02.02.2022

Akashdeep SinghPetitioner

Versus

State of Punjab..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

...
(through video conferencing)

Present: Mr. P.B.S.Goraya, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

...

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 351 dated 27.09.2021 under Section 354-A IPC and Section 8 of the POCSO Act and Section 376 IPC and Section 4 of the POCSO Act (added later on) registered at Police Station “Islamabad”, District Police Commissionerate Amritsar.

The learned counsel for the petitioner submits that the FIR in question was initially registered for offence under Section 354 IPC and Section 8 of the POCSO Act. However, subsequently, on the basis of a supplementary statement given by the complainant after 05 days of the registration of the FIR, Section 376 IPC and Section 4 of the POCSO Act

allegations have been levelled against the petitioner of having sexually assaulted the victim. Learned counsel contends that while stepping into the witness box as PW1, the victim had failed to support the case of the prosecutrix, as a result of which, she was declared hostile, which lent credence to the petitioner's false implication. In support, learned counsel has annexed a copy of the deposition as Annexure P1. Learned counsel submits that the petitioner has been in custody since 27.10.2021 and hence his further incarceration will not serve any useful purpose in the aforementioned facts and circumstances.

Learned counsel for the State while opposing the prayer made by the counsel opposite, on instructions from SI Rajesh Kumar, does not dispute the factum of the victim not supporting the case of the prosecution during trial and having been declared hostile.

Heard.

The sole material witness i.e. the victim stands examined before the trial Court and has admittedly not supported the case of the prosecution. The trial is unlikely to conclude in the near future as only 03 out of the 21 prosecution witnesses cited have been examined so far. Hence, in the circumstances, as enumerated above, the petition is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that any observation made herein shall not be construed as an expression of opinion on the merits of the case.

02.02.2022

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(MANJARI NEHRU KAUL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No

