

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

CRM-M-8153-2022

Date of decision : 05.08.2022

Ajit Kumar

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Raj Kishore, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.164 dated 24.04.2020, under Sections 363, 366-A, 376(2)(n) of IPC and Section 6 of POCSO Act, 2012, registered at Police Station Sohana, District SAS Nagar, Mohali.

As per the facts of the case, the present FIR was lodged by mother of the victims (name concealed). The sum and substance of the allegations are that her two minor daughters were of the age of 14 years and 15 years. On 22nd April, 2020, a call was received from Ajeet son of Raju Paswan that he is foreman of the company Ruhani Harbal, Phase-9, Industrial Area and she sent her daughters for receiving their salaries. Then her two daughters i.e. two victims went from home at about 01:30 PM in the company but thereafter, they did not return back. She suspected that her daughters have been allured by Ajeet Paswan and Manish of Village Kambala. It was requested to search their daughters and to take legal action against the culprits. On the basis of complaint, the FIR was lodged and investigation commenced. The victims were recovered from the company of the petitioner on 29th April, 2020. Their statements were recorded under

Section 164 Cr.P.C. They were produced for the medical examination also, however, they refused to undergo the same. Petitioner was arrested on 29.04.2020. He approached the Court of Additional Sessions Judge-cum-Judge Special Court, SAS Nagar, Mohali for grant of bail. However, after hearing counsel for the parties, learned Judge declined the same vide order dated 09.09.2020. Aggrieved by the same, petitioner is before this Court for grant of regular bail.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. He further submits that both the victims went of their own and they were recovered after one week thereafter. Their statements under Section 164 Cr.P.C. were recorded wherein, they have not supported the allegations made in the FIR. They stated that they left the home of their own will as their parents were compelling them to marry against their wishes. To buttress his arguments, learned counsel submits that now the complainant and both the victims have been examined by the trial Court as PW-1, PW-2 and PW-3 respectively. He has produced the copy of their statements made before the Court. He has submitted that all the three material witnesses have not supported the case of the prosecution. He submits that once the material witnesses have not supported the case of the prosecution, case of the prosecutrix falls flat and the false implication of the petitioner is writ large. He submits that in view of the facts and circumstances of the case, petitioner deserves to be granted bail.

Learned State counsel has opposed the submissions made by counsel for the petitioner. She submits that the victims are minor and there are specific allegations against the petitioner. However, she candidly acknowledges that these material witnesses have not supported the case of the prosecution. She further submits that out of 17 prosecution witnesses, 06

witnesses already stands examined. She also submits that as per the information provided, petitioner is not involved in any other case except the present one.

I have heard counsel for the parties and perused the record.

After hearing counsel for the parties and perusing the record, it is apparent that the victims went missing and they were recovered after a week thereafter. Their statements under Section 164 Cr.P.C. were recorded wherein, they deposed that they left the home of their own. Further, they were examined by the trial Court as PW-1 and PW-2 and both of them have exonerated the petitioner from alleged publicity. Even their mother who has been examined as PW-3 also deposed that the petitioner has committed no wrong with her daughters.

The veracity of the allegations would be assessed by the trial Court after conclusion of the trial. The trial of the case will take sufficient long time and no useful purpose will be served by keeping the petitioner in custody for such a long time. This Court would refrain from commenting anything on the same. However, confining to the prayer made for the grant of bail, this Court is convinced that the counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

05.08.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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