

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-11950-2022 (O & M)

Date of decision: 06.04.2022

Manoj Kumar

..... Petitioner

V/s

Union Territory, Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sukhdev Singh Khokher, Advocate, for the petitioner.

Mr. Ashu Mohan Punchhi, Public Prosecutor with
Mr. Anupam Bansal, Addl. Public Prosecutor
for the respondent-U.T., Chandigarh.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition is for the grant of interim bail of two weeks to the petitioner in a case bearing FIR No.6 dated 11.01.2020 under Sections 376(1) IPC and under Section 6 of the POCSO Act, 2012 registered with Police Station South, Sector 34, Chandigarh, as the father of the petitioner is said to be on his death bed because his liver has been completely damaged.

The prosecutrix, in the present case, is the wife of the petitioner and the aforementioned FIR came to be registered against the petitioner only on account of the fact that the prosecutrix/wife was less than 18 years of age and was pregnant. Thus, it was Dr. Meena Jethani, M.O. Civil Hospital, Sector 45, Chandigarh, on whose complaint the FIR came to be registered.

The learned counsel for the petitioner has argued that the prosecutrix has turned hostile and has referred to her statement recorded as PW-1 (Annexure P-2). He has stated that at best it could be a case of child

marriage for which the maximum punishment prescribed is two years. He prays for the grant of 15 days' interim bail on account of the fact that the father of the petitioner is on the death bed on account of liver damage.

When the application for interim bail was filed before the Special Court, Chandigarh, SI Zile Singh of the U.T. Police filed a response (Annexure P-5) wherein it was stated that the condition of the father of the petitioner, namely, Rajinder Singh, was deteriorating day-by-day and he has bleak chances of survival. However, it was added that the offence committed by the petitioner was heinous in nature and there was a possibility of petitioner absconding, in case, he is granted the concession of interim bail.

The said application for interim bail was declined on 25.02.2022. The Court observed that though the father of the petitioner was certainly unwell, it cannot be said that he was on the death bed.

The learned counsel for the State has referred two orders of this Court where the regular bail application of the petitioner was dismissed. However, he does not dispute the fact that the father of the petitioner is ailing.

I have heard the learned counsel for the parties at length.

The medical record of Rajinder Singh, father of the petitioner has been placed on record as Annexure P-4. A perusal of the same would reveal that Rajinder Singh is certainly ailing. Therefore, the prayer of the petitioner for grant of two weeks' interim bail cannot be said to be unfounded. Even otherwise, the prosecutrix, who happens to be the wife of

the petitioner already stands examined and it is unlikely that the petitioner would abscond from the justice.

In view of the aforesaid facts, the present petition is allowed and the petitioner is granted two weeks' interim bail in order to meet his father as also to arrange finances to provide better treatment to him.

The petitioner-Manoj Kumar be released on interim bail for a period of 15 days from tomorrow i.e. 07.04.2022 subject to the satisfaction of the CJM/Duty Magistrate, Chandigarh. He shall surrender before the Jail authorities at 6.00 p.m. on 21.04.2022.

The present petition is disposed of accordingly.

April 06, 2022
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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