

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(230)

CRM-M-14042-2020

Date of Decision: 28.01.2022

Karan Shukla

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. M.S. Joshi, Advocate for the petitioner.

Mr. Rakesh Inder Singh Sidhu, A.A.G., Punjab.

RAJESH BHARDWAJ.J (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.194 dated 6.12.2019 under sections 376, 506, 363, 366-A I.P.C and sections 3 and 4 of POCSO Act, registered at Police Station, City Khanna, District Ludhiana.

Learned counsel for the petitioner vehemently contends that the petitioner and the prosecutrix were in love affair with each other. The prosecutrix, who was a minor wanted to marry the petitioner and as the same could not be done the present FIR was lodged to pressurize the petitioner for marriage. Counsel submits that petitioner has an impeccable record and was granted interim bail by this Court vide order dated 10.7.2020, which he never misused. Counsel further submits that the prosecutrix has been summoned time and again by the Trial Court for recording her evidence but she was not appearing. Counsel submits that

now as per the information received her examination-in-chief has been recorded on 1.10.2021 and thereafter she has not appeared before the Trial Court for her cross-examination. Counsel submits that the same is being done only to prolong the trial.

On the other hand, learned State counsel submits that the prosecutrix is a minor and out of the total 9 prosecution witnesses only 2 have been examined till date. He opposes the grant of bail to the petitioner.

I have heard learned counsel for the parties at length and have gone through the records carefully.

It is apparent from the record that petitioner is on interim bail since 10.7.2020. There is nothing on record to show that he is misusing the concession of interim bail. The trial would take sufficient time to conclude as out of the total 9 prosecution witnesses only 2 have been examined.

In the totality of circumstances and without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing fresh bail/surety bonds etc. subject to satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

28.01.2022

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No