

234 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27569-2022 (O&M)

Date of Decision: 13.12.2022

SAHIL

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. S.K.Choudhary, Advocate
for the petitioner.

Mr. Iqbal Singh Mann, DAG, Punjab.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in the case bearing FIR No. 006 dated 16.01.2022 under Sections 363, 366-A, 376 IPC and Section 4 of the POCSO Act registered at Police Station Division No.I, District Pathanakot.

Custody certificate has been placed on record.

Learned counsel for the petitioner contends that precisely the allegations against the petitioner are only to the effect that on 15.01.2022, he had facilitated the escape of the victim from her house and took her to the house of his sister where she remained till mid-night. Thereafter, the victim was accompanied by Rishav Gulalia against whom the allegations of penetrative sexual assault have been attributed. There is nothing to indicate that the petitioner had exercised any threat, pressure or allurement upon the victim which forced her to leave the house. The petitioner is in custody for a period of 10 months and 17 days and not involved in any other case. The statement of the victim and her father during the course of trial has been recorded.

Learned State counsel has not dispute the aforesaid factual aspects, but has opposed the bail application on the score that the victim was less than 18 years of age at the time of occurrence.

Be that as it may, the allegations of commission of penetrative sexual assault have not been attributed against the petitioner. There is nothing to indicate that the petitioner had exercised any threat, pressure or allurements which worked in the mind of the victim when she left the house. The petitioner is in custody for a period of 10 months and 17 days and not involved in any other case. The statement of the victim and her father has been recorded. As such, it cannot be said that the petitioner can be in a position to win over or influence the material witnesses. So far, out of 20 only 02 witnesses have been examined. The conclusion of trial is likely to take some and no fruitful purpose will be served by detaining the petitioner in further custody.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate.

13.12.2022
smriti

(VIVEK PURI)
JUDGE

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