

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

208

CRM-M-32583-2021

Date of decision: 07.05.2022

Satnam Singh alias Satta

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Shakti Mehta, Advocate for the petitioner.

Mr. A.S.Gill, Senior DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

Vide the instant petition filed under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code”), the petitioner seeks grant of regular bail in case FIR No.82, dated 19.04.2021, registered for offences under Sections 363, 366-A of Indian Penal Code, 1860, (for short 'IPC') however, sections 376, 506, and 120-B of IPC and Section 4 of Protection of Children from Sexual offences Act, 2012 were added later on, at Police Station Samana, District Patiala, Punjab, Annexure P-1.

FIR, Annexure P-1, has been registered on the suspicion of father of a 17 years old school going girl that Satnam Singh @ Satta,

present petitioner, has enticed his daughter on the pretext of marriage.

Counsel for the petitioner submits that the minor victim had accompanied the petitioner of her own accord and stayed with him in West Bengal for more than 20 days. He submits that upon coming back, the victim in her first statement recorded under Section 164 of the Code has also stated that she went with the accused of her own free will. Reference has also been made by the counsel upon her testimony, Annexure P-6, to argue that she has not supported the case of the prosecution. Counsel for the petitioner submits that the petitioner, who is a young boy of 23 years of age with an unblemished past, deserves to be released on bail as he is in custody since 17.05.2021.

Per contra, learned State counsel, upon instructions from ASI Paramjit Singh, has opposed the petition and has submitted that in the FIR as well as his testimony, the complainant has supported the prosecution. He has opposed the petition on the ground that in second statement of the prosecutrix recorded under Section 164 of the Code, she has levelled specific allegations of sexual assault against the petitioner.

I have considered the arguments addressed by counsel for the parties.

In view of the circumstances brought forth, this Court is of the opinion that complicity of the petitioner in the offence would remain a subject matter of debate before the trial Court and the petitioner who is in custody for the last almost one year would be entitled to be released on bail as both the complainant and the minor victim have been examined and the trial is not likely to conclude in the near future.

Without advertng to the arguments raised, petition is allowed.

Petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

07.05.2022

pooja saini

(SUVIR SEHGAL)

JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No