

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

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**CRM-M-32329-2022
Date of decision: 11.10.2022**

Satnam Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rahi Mehra, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.124 dated 14.10.2020 under Sections 363, 366A and 376 of the IPC and Sections 8, 4 and 6 of the POCSO Act, 2012 registered at Police Station Harike, District Tarn Taran.

Learned counsel for the petitioner submits that on the face of it, it was a case of consensual relationship between the petitioner and the victim, aged about 14 years, which fact is evident from the observations and notings of the doctor in the MLR which has been annexed as Annexure P-3 wherein the victim while giving her history had stated that she eloped with the accused petitioner on 08.10.2020 at 10:30 P.M. Learned counsel further submits that the petitioner has now been in custody since 26.10.2020 and there is no likelihood of the trial concluding in the near future as only 5 out of 17 prosecution witnesses stand examined. He submits that the victim who is the sole material

witness in the case in hand has been examined and hence his further incarceration would serve no useful purpose.

Per contra, learned State counsel while vehemently opposing the prayer and submission made by the counsel opposite, on instructions from ASI Kulwant Singh, submits that the victim was just 14 years of age whereas the petitioner was 22/23 years of age on the date when he lured her away from her home in the dead of the night. He submits that the consent of a minor would be of no consequence and the submissions made by the counsel opposite that it was a case of consensual relationship would also not come to his rescue in view of the age of the victim. Learned State counsel has drawn the attention of this Court to the MLR which has been annexed as Annexure P-3 as well as the report of the chemical examiner which corroborate the version of the victim that she was subjected to rape by the petitioner after he had lured her away on 08.10.2020. Learned State counsel has placed on record a copy of the chemical examiner's report in this Court today which is taken on record wherein it is clearly mentioned that spermatozoa were detected in the contents of the exhibits sent to it. He has further submitted on instructions that the victim while stepping into the witness box had supported the case of the prosecution in its entirety.

I have heard learned counsel for the parties and perused the material placed on record.

The submissions made by the learned counsel for the petitioner that it was a case of consensual relationship between the petitioner and the victim would not come to his rescue in view of the fact that the victim was much below the age of minority being only

about 14 years of age and the petitioner on the date was 22 years plus on the date of alleged occurrence. Prima facie it does appear to be a case wherein a minor was lured away from her home and from the lawful custody of her father on 08.10.2020. In addition to that, the victim while stepping into the witness box has supported the case of the prosecution in its entirety. This Court, therefore, does not deem it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

The Trial Court is directed to make earnest efforts to conclude the trial expeditiously in view of the long incarceration of the petitioner who has been now in custody for 2 years.

11.10.2022

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(MANJARI NEHRU KAUL)
JUDGE

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