

208 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH
(through video conferencing)

CRM-M-37707-2020
Decided on : 03.02.2022

Harpinder Singh @ Gill

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Manoj Kumar Sharma, Advocate
 for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.11 dated 02.02.2012 under Sections 363, 366-A IPC (Section 376 IPC and Sections 4 and 6 POCSO Act added later on) registered at Police Station Hariana District Hoshiarpur.

Learned counsel for the petitioner submits that the petitioner had been in a consensual relationship with the victim, aged 17 years 9 months and after she left her parental home, they solemnized marriage with each other. He further submits that after the solemnization of marriage of the petitioner with the victim, they have been blessed with a female child. He still further submits that there is no likelihood of the trial concluding in the near future as only 11 out of 24 prosecution witnesses stand examined. A prayer, therefore, has been made to extend the concession of bail to the petitioner.

Learned State counsel while opposing the prayer and submissions made by counsel opposite submits that the consent of the

victim would be of no consequence as she admittedly was a minor on the date of alleged occurrence. He further submits that while stepping into the witness box, the victim deposed against the petitioner and supported the case of prosecution in its entirety. He still further submits that the petitioner's antecedents do not permit him to be enlarged on bail as he absconded in the year 2013 and it was only after five years on 13.12.2018 he could be arrested. He has also apprised the Court that adjournments are being sought repeatedly by none other than the petitioner's counsel before the trial Court and hence, the cross-examination of the victim has not been done. It has also been submitted that in the wake of petitioner's antecedents, in case the petitioner is extended the concession of bail, there is every likelihood that he could try to influence the witnesses to depose in his favour or he may also abscond.

Heard learned counsel and perused the material available on record.

In the wake of circumstances as enumerated hereinabove in addition to the antecedents of the petitioner, this Court does not deem it fit to extend the concession of bail to the petitioner.

Accordingly, the present petition stands 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.

03.02.2022
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No