

232 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-46966-2022 in/and
CRM-M-43298-2022
Date of Decision: 14.12.2022

TARSEM SINGH ... PETITIONER
VS.
STATE OF HARYANA .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Amit Sharma, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

VIVEK PURI, J.(ORAL)

CRM-46966-2022

This is an application for placing on record amended head note and prayer clause of the petition.

It has been stated that due to clerical error, the offence under Section 10 of the Protection of Children from Sexual Offences Act has been mentioned instead of Section 10 of Prohibition of Child Marriage Act.

Amended head note and prayer clause are taken on record.

Registry is directed to annex the same at appropriate place.

Application is disposed of.

CRM-M-43298-2022

The petitioner is seeking regular bail in the case bearing FIR No. 184 dated 14.10.2021 under Sections 363, 366-A, 376 IPC and Section 6 of POCSO and Section 10 of Prohibition of Child Marriage Act, registered at Police Station Kalka District Panchkula.

Custody certificate has been placed on record.

Learned counsel for the petitioner contends that the FIR has been registered on the basis of statement of father of the victim alleging that she went missing from the house on 13.10.2021. During the course of trial, the victim has not supported the prosecution version and has specifically and categorically stated that the petitioner has not committed any wrong or

penetrative sexual assault upon her. The petitioner is in custody for a period of 01 month and 02 days and is involved in another case under Section 379 IPC and 21 of Mining Act.

Learned State counsel submits that in her statement under Section 164 Cr.P.C., the victim has attributed allegations to the effect that her marriage was solemnized with the petitioner under pressure and rape was committed upon her. She was aged about 16 years at the time of occurrence. It has been further submitted that no semen was detected at the time of medical examination of the victim and furthermore, 04 out of 24 witnesses have been examined.

It may be mentioned here that the victim, during the course of trial, has not supported the prosecution version. Even on the assumption that the victim has solemnized marriage with the petitioner, the penal consequences, if any, will follow in due course of trial. The petitioner is in custody for a period of 01 year, 01 month and 02 days. So far only 04 out of 24 witnesses have been examined. The conclusion of trial is likely to take some time 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/Duty Magistrate.

14.12.2022
smriti

(VIVEK PURI)
JUDGE

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