

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

111+203

CRM-M-47577 of 2021 (O&M)
Date of decision:06.08.2022

Taranpreet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rahul Rampal, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Vishnu Dutt, Advocate
for the complainant.

SUVIR SEHGAL, J. (Oral)

CRM No.27977 of 2022

For the reasons given in the application, it is allowed.

Petitioner is permitted to add offence under Section 12 of the Protection of Children from Sexual Offences Act, 2012 (for short “the POCSO Act”) at the appropriate places in the petition.

CRM No.28001 of 2022

Application is allowed as prayed for.

Application under Section 216 Cr.P.C. as well as order dated 18.07.2022 passed thereon, are taken on record as Annexures A-1 and A-2, respectively.

CRM-M-47577 of 2021

Instant petition has been filed under Section 439 Cr.P.C., seeking grant of regular bail to the petitioner in case FIR No.140 dated 06.07.2021 registered under Sections 363, 366-A of Indian Penal Code, 1860 and Section 12 of the POCSO Act (which has been ordered to be added today), at Police Station Jamalpur, District Ludhiana (Annexure P-1).

Version of the prosecution is that FIR (Annexure P-1) has been registered on the statement of a father of 17 year old girl (hereinafter referred to as “the prosecutrix”) on the allegation that Taranpreet Singh (present petitioner) has allured her on the pretext of marriage. It has been alleged that he was accompanied by some friends and the prosecutrix has taken Rs.15,000/- as well as her clothes with her.

Counsel for the petitioner contends that the petitioner and prosecutrix were classmates and the prosecutrix was recovered on the day of her allurement from a public park. By referring to the telephonic conversation, Annexures P-3 and P-4, counsel submits that the petitioner has been falsely implicated. It is his argument that there is no allegation of sexual assault against the petitioner. He asserts that the petitioner, who has a clean past and is in custody since 09.07.2021, is no longer required for custodial interrogation as the challan has been presented and the trial is going on.

Opposing the petition, upon instructions from ASI Sadhu Singh, State counsel, who is assisted by counsel for the complainant submit that in her statement recorded under Section 164 Cr.P.C, as well as in the

testimony recorded before the Trial Court, prosecutrix has supported the allegations levelled in the FIR. It has been submitted that date of birth of the prosecutrix is 22.06.2004 and she was a minor on the date of alleged incident. As per his instructions, 04 out of total 15 prosecution witnesses, have been examined.

Having heard counsel for the parties, this Court is of the view that culpability of the petitioner would remain subject matter of debate before the Trial Court and the petitioner, who is in custody for the last more than 01 year would be entitled to be released on bail as the prosecutrix, who is the most material witness has been examined and the trial is likely to take time to conclude.

Without delving into the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed and the 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.

August 06, 2022

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes