

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(218)

CRM-M-49347-2021
Date of decision:- 01.12.2022

Satnam Singh @ Munna

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Gurvir Kaur Gill, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab for State-respondent.

SUVIR SEHGAL, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code”) seeking grant of post-arrest bail in case FIR No.38 dated 09.05.2021, registered for offences under Sections 363 and 366-A of the Indian Penal Code, 1860 (for short “IPC”), however, later on Section 376, IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 were added, at Police Station Sadar Abohar, District Fazilka.

Counsel for the petitioner submits that FIR has been registered by father of a sixteen year and ten months old girl (hereinafter referred to as “the prosecutrix”) on the allegation that Satnam Singh @ Munna, present petitioner, has enticed his daughter. By referring to the statement of the prosecutrix, recorded on 10.05.2021, Annexure R-1, under Section 164 of the Code, which has been annexed with the status report filed by the State, counsel urges that the prosecutrix has stated that she has attained the age of

eighteen years and that the petitioner never kidnapped her nor did he indulge in any objectionable activity. She submits that the prosecutrix has further stated that she wants to marry the petitioner and apprehends danger to her life from her parents. Reference has also been made by the counsel to the testimony of the complainant, prosecutrix and prosecutrix's cousin, who have been examined as PW-1 to PW-3, respectively, to submit that they have not supported the case of the prosecution. She asserts that the petitioner, who enjoys a clean past and is in custody since 14.05.2021, deserves to be enlarged on bail.

Per contra, learned State counsel, upon instructions from ASI, Om Parkash, has opposed the petition and has submitted that there are specific allegations against the petitioner, which have been supported by the prosecutrix in her statement recorded under Section 161 of the Code of sexually assaulting her on two occasions. Upon further instructions, he submits that seven out of twenty three prosecution witnesses have been examined.

Having considered the submissions made by counsel for the parties, but without adverting to the merits or demerits of the arguments addressed, this Court is prima facie of the view that the involvement of the petitioner in the offence as well as age of the prosecutrix would be adjudicated by the Trial Court. Noticing the fact that the material prosecution witnesses have been examined and the trial is likely to take some time to conclude, this Court is of the opinion that the petitioner, who has been in custody for the last more than eighteen months, deserves to be enlarged on bail.

Petition is allowed.

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

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

01.12.2022

Kamal

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