

226 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
(through video conferencing)

CRM-M-51094-2021 (O&M)
Date of decision:07.02.2022

Harish

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Paras Jagga, 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.154 dated 07.08.2021 lodged under Section 346 IPC (Sections 363, 366-A and 376 IPC and Section 4 of POCSO Act added later on)registered at Police Station Tibba Ludhiana District Police Commissionerate Ludhiana.

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case in hand for allegedly enticing away the victim, aged 15 years, on the pretext of solemnizing marriage with her. He submits that the victim after her recovery did not name the petitioner nor levelled any allegation against him while getting her statement recorded under Section 164 Cr.PC. He further submits that while stepping into the witness box yet again neither did the victim nor her father i.e. complainant, support the case of the prosecution, as a result of which, they both were declared hostile. He still further submits that since both the material witnesses have been examined and not supported the case of prosecution, his further incarceration would not serve any useful purpose as

11 more prosecution witnesses remain to be examined. Learned counsel in support of his submissions qua the victim and the complainant turning hostile has inviting the attention of this Court to the deposition of the prosecutrix (Annexure P-3).

Per contra, learned State counsel while opposing the prayer made by counsel opposite on instructions from SI Baldev Raj has not been able to controvert the factum of both the material witnesses i.e. victim and the complainant having turned hostile during trial. On a pointed query put to learned State counsel as to whether the petitioner was involved in any other case, he has replied in the negative.

Heard learned counsel and perused the material available on record.

In the facts and circumstances, as enumerated hereinabove, the present petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

07.02.2022
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(MANJARI NEHRU KAUL)
JUDGE

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