

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No.51268 of 2022

Date of Decision: 30.11.2022

Ravi Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amandeep Singh Samra, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

MANJARI NEHRU KAUL J. (Oral)

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.15, dated 04.02.2021, lodged under Sections 363, 366-A, 376(2)(N), 120-B of IPC and Section 6 of the POCSO Act, 2012 (Sections 376(2)(N), 120-B of IPC and Section 6 of the POCSO Act, 2012 added later on), registered at Police Station Longowal, District Sangrur.

Learned counsel appearing for the petitioner *inter alia* contends that a false and fabricated case has been planted upon the petitioner for allegedly luring the victim, aged 16 years, on the pretext of solemnizing marriage with her. He has invited the attention of this Court to the statement of the victim recorded under section 164 Cr.P.C. annexed as Annexure P-2, wherein the victim did not level allegations

of any wrong doing against the petitioner much less of she having been lured by the petitioner. He still further submits that while stepping into the witness box as PW-1, the victim did not support the case of the prosecution, as a result of which, she was declared hostile. A prayer has, therefore, been made to extend the concession of bail to the petitioner, who has now been in custody since 07.02.2021 coupled with the fact that there is no likelihood of the trial concluding in the near future as 11 prosecution witnesses, out of the 21 cited, remain to be examined.

Per contra, learned State counsel, on instructions from ASI Harchetan Singh, has not been able to dispute the submissions made by the counsel opposite *qua* the contents of the statement of the victim recorded under section 164 Cr.P.C. as well as she having been declared hostile during the trial. Learned State counsel has also not disputed that 11 prosecution witnesses remain to be examined.

I have heard learned counsel for the parties and perused the relevant material on record.

It is a matter of record that while stepping into the witness box, the victim did not support the case of the prosecution, as a result of which, she was declared hostile. The trial is unlikely to conclude in the near future. This Court, in the facts and circumstances as enumerated hereinabove, deems it fit to extend the concession of bail to the petitioner, who has now been in custody since 07.02.2021.

Accordingly, the instant petition is allowed and the petitioner is 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.

30.11.2022

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(MANJARI NEHRU KAUL)
JUDGE

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