

**207 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-36738-2023 in/and
CRM-M-3049-2023
Date of Decision: 11.09.2023**

MANISH PAL

VS.

STATE OF PUNJAB

... PETITIONER

.. RESPONDENT

Present : Mr. Raman Singla, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

CRM-36738-2023

1. This is an application for placing on record cross-examination of the victim as Annexure P-9, FSL report as Annexure P-10 and Examination of PW-3 as Annexure P-11.
2. For the reasons stated in the application, the same is allowed. Annexures P-9 to P-11 are taken on record, subject to all just exceptions.
3. Registry is directed to tag the same at appropriate place.
4. Application is disposed of.

CRM-M-3049-2023

5. The petitioner is seeking regular bail in the case bearing FIR No. 45 dated 13.03.2022 under Sections 376(C)/354/506 IPC and Sections 5 & 6 of the POCSO Act registered at Police Station Sultanpur Lodhi, District Kapurthala.
6. Custody certificate has been placed on record.
7. Learned counsel for the petitioner contends that the allegations

with regard to the commission of penetrative sexual assault pertain to the

year 2020, during the period of lock-down. Subsequently, the victim had gone to her native village in Uttar Pradesh. She returned back in March, 2022. The last incident allegedly took place on 11.03.2022 but the same only pertains to the sexual assault. The said incident does not indicate that any penetrative sexual assault was committed by the petitioner upon the victim. The victim remained silent for a period of about two years after the first incident of developing physical relation had taken place. The victim and her mother have been examined during the course of trial. The petitioner is in custody for a period of 01 year, 05 months and 27 days and not involved in any other case.

8. Learned State counsel has opposed the bail application on the score that the victim was aged about 16 years at the time of occurrence. She has supported the prosecution version during the course of trial and out of 23, 03 witnesses have been examined.

9. It is significant to note that the first instance of developing physical relation took place as back as on 28.03.2020. The victim and her family members remained silent for a period of about two years. The last incident allegedly took place on 11.03.2022 but the same only pertains to sexual assault and does not indicate that any penetrative sexual assault was committed upon the victim at that point of time. The statement of the victim and her mother has been recorded during the course of trial. As such, it cannot be said that the petitioner can in any manner win over or influence the victim and her mother. The petitioner is in custody for a period of 01 year, 05 months and 27 days and not involved in any other case. Still 20 witnesses remain to be 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.

10. 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/Illaqa Magistrate/Duty Magistrate.

11.09.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No