

2023:PHHC:060462

CRM-M-10676-2023 (O&M)

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

(106+239)

CRM-M-10676-2023 (O&M)

Date of Decision:-26.04.2023

Aman Bhatti @ Aman Kumar

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Sunil Agnihotri, Advocate for the petitioner.

Mr. Pankaj Khullar, AAG, Punjab.

Mr. Vishal Munjal, Advocate for the complainant.

ALOK JAIN, J.**CRM-13929-2023**

The present application has been filed for placing on record the affidavit of complainant Jaswant Kumar, as per the directions given by this Hon'ble Court vide order dated 09.03.2023, as Annexures A-1 and A-2.

Application is allowed as prayed for, subject to all just exceptions. Annexures A-1 and A-2 are taken on record.

CRM-M-10676-2023

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.0023 dated 17.04.2019, under Sections 363, 366-A, 376, 511 and 506 of IPC read with Section 4 of POCSO Act, registered at Police Station Hajipur, District Hoshiarpur.

2. In compliance of order dated 09.03.2023, learned state counsel has filed a status report dated 23.03.2023, by way of an affidavit of Mr.

CRM-M-10676-2023 (O&M)

Kulwinder Singh, PPS, Deputy Superintendent of Police, Sub-Division Mukerian, District Hoshiarpur on behalf of respondent No.1/State, which is taken on record.

3. Learned counsel for the petitioner has submitted that the petitioner is entangled in the present criminal proceedings for his nicety as the actual matrix of the matter is that the complainant had a fight with her mother and she left the house and being known to the petitioner, came to him. The allegations recorded in the FIR are false and concocted and he further finds support that the matter has been compromised between the parties and more so, the complainant as well as the victim has not supported the case of prosecution. Therefore, the further incarceration of the petitioner violates his fundamental right of freedom, life and liberty.

4. Learned counsel for the complainant as on the earlier date maintains that he has no objection and admits to the position that, in fact, the mother and the daughter had a fight, due to which the prosecutrix left the home.

5. Learned State counsel has submitted that there is no history of any sexual assault and even the FSL report does not connect with the petitioner.

6. However, after hearing learned counsel for the parties and the fact that the trial is likely to take some time, no useful purpose would be served by keeping the petitioner in custody, therefore the petitioner has made out a case for grant of concession of regular bail.

7. In view of the above, without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on

CRM-M-10676-2023 (O&M)

bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. He shall, however, be released on the following conditions:

- 1. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- 2. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- 3. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- 4. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

8. However, nothing stated above shall be construed as a final expression or opinion on the merits of the case.

(ALOK JAIN)
JUDGE

April 26, 2023
Parul

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No