

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

219

CRM-M-10963-2022
Date of Decision:-01.03.2023

Satnam Singh @ Sonu

.....Petitioner

Versus

The State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. J.S. Jaidka, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

Mr. Nitin Sachdeva, Advocate for the complainant.

ALOK JAIN, J. (Oral)

Prayer is for grant of regular bail in case FIR No.98 dated 27.07.2020, under Sections 376, 120-B of IPC, 1860, and Section 6 of POCSO Act, 2012, registered at Police Station City Jagraon, District Ludhiana.

Learned counsel for the petitioner submits that, as per the testimony of the prosecutrix herself, the actual dispute is with regard to the property, where the maternal grandmother of prosecutrix does not want the mother of the prosecutrix to stay, for which the maternal grandmother has also instituted a civil suit for vacation of the house, which is in possession of the prosecutrix and her mother. He further submits that, in fact, the compromise talks were also initiated, which failed, as the maternal

grandmother and the petitioner-accused refused to accept the terms, which demonstrates that the entire story built up by the prosecutrix and the complainant is vitiated.

Per contra, learned State counsel, with the assistance of learned counsel for the complainant, submits that the Civil Suit was filed much after the lodging of the FIR. He further submits that it is categorically recorded in the FIR itself, which shall be substantiated by the testimony of the prosecutrix that the maternal grandmother had threatened the prosecutrix not to divulge the said incident and the act of the petitioner to her mother. It has also come on record by cogent evidence that the prosecutrix did not inform the mother at the first instance and the complainant was informed by the daughter of her sister about the incident. It was only on asking of the mother that the prosecutrix divulge the truth, which led to the lodging of the FIR.

Learned counsel for the petitioner further submits that, de hors of the above, the petitioner has been in custody for the last more than two and a half years and all the material witnesses have been examined.

Learned State counsel submits that 05 out of 13 witnesses have been examined and the next date of hearing is 15.03.2023 before the trial Court.

After considering the entire matter, however, without commenting on the merits of the case or expression of any opinion on the testimonies of the parties, this Court does not find a case, whereby the petitioner deserves the concession of regular bail, at this stage, as due to

proximity of the relationship, which can lead to coercion or tampering of evidence.

Accordingly, the present petition is dismissed.

At this stage, learned counsel for the petitioner, prays that direction be issued that the trial be expedited as the petitioner is in custody for almost two and a half years. The said prayer cannot be acceded at this stage, as the Courts are already heavily burdened, moreso, no such direction can be issued, however, the trial Court is requested to consider the request of the petitioner-accused and proceed in accordance with law.

(ALOK JAIN)
JUDGE

01.03.2023
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Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No