

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

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**CRM-M No. 17561 of 2023
Date of Decision : 27.4.2023**

*Nachattar Dass**..... Petitioner**versus**State of Punjab**..... Respondent***CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. Kanwarpal Singh Mahey, Advocate, for
Mr. Vishal Nehra, Advocate, for the petitioner
Mr. Kunal Vinayak, AAG, Punjab

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.138 dated 3.9.2022 under Sections 363, 342, 376(3), 506 and 120-B IPC and Section 4 of POCSO Act, 2012, registered at Police Station Sadar, District Hoshiarpur.

2. As per allegations in the FIR, the petitioner's brother-in-law allegedly took the complainant, aged about fourteen years, to the petitioner's house and made physical relations with her forcibly. He threatened the complainant also not to disclose the fact to anyone or else she will have to face the consequence. The petitioner was not named in the FIR. Allegations were levelled against him by the complainant in the supplementary statement recorded on 4.9.2022, that the victim was taken to his house by the co-accused, and he was fully involved in the conspiracy.

3. Learned counsel for the petitioner contends that there is no allegation of commission of the alleged offences against the petitioner, nor was he named in the FIR. It is further submitted that the petitioner is married, having five minor children. He is in custody since 4.9.2022. Material prosecution witnesses,

including the prosecutrix and her relative, have already been examined. Under similar circumstances, co-accused has already been admitted to bail by this Court vide order dated 20.2.2023, passed in CRM-M No. 8042 of 2023.

4. Learned State counsel, on instructions from ASI Balvir Singh, opposes the grant of bail stating that the trial of the case is progressing and ten out of twenty one witnesses have already been examined.

5. In view of the facts aforestated, it is apparent that the petitioner is only alleged to be part of the conspiracy in which his brother-in-law committed the offences. His complicity in the case, therefore, is a matter of trial, which will take some time to conclude as eleven prosecution witnesses still remain to be examined. At the same time, material witnesses, including the prosecutrix, already stand examined. The petitioner is in custody since 4.9.2022 and no useful purpose will be served by confining him there any longer. He has no criminal antecedents.

6. In view thereof, the petition is allowed. The petitioner is ordered to be released on bail to the satisfaction of the trial Court/Duty Magistrate.

(TRIBHUVAN DAHIYA)
JUDGE

27.4.2023

Ashwani

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No