

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

214

CRM-M-20956-2023

Date of Decision: 03.08.2023

Manga Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. P.S. Ahluwalia, Advocate for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

Ms. Amarjot Kaur, Advocate for
Mr. B.S. Bhalla, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

Memo of appearance filed on behalf of the complainant is taken on record.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No. 96 dated 29.11.2021 (Annexure P-1) registered under Sections 376, 506 and 102-B IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short-‘the POCSO Act’) at Police Station Bhindi Saidan, Amritsar (Rural), District Amritsar. However, the petitioner was charge-sheeted under Sections 376-AB, 506, 120-B and 109 IPC and Sections 6 and 17 of the POCSO Act, by the trial Court vide order dated 21.07.2023.

According to the prosecution story, the aforesaid FIR was

registered against the petitioner on the statement of complainant/prosecutrix, stating therein that the petitioner used to commit rape with the victim on the pretext of performing marriage with her. In the year 2019, the petitioner had entered into an engagement ceremony with the prosecutrix, but later on, in the year 2021, he refused to marry her. At the time of commission of offence, the complainant/prosecutrix was 17 years and 11 months old.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the present case. He further submits that now, the matter has been compromised between the parties and the petitioner is again ready and willing to perform marriage with the prosecutrix. The petitioner is in custody since 17.01.2023. Challan has already been filed. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that petitioner may be released on regular bail.

Learned counsel appearing for the complainant/prosecutrix does not dispute the fact that a compromise has been effected between the parties and the petitioner has intend to marry the prosecutrix. She further submits that she has no objection, in case, the present petition is allowed and petitioner may be released on regular bail.

Per Contra, learned counsel for the State has filed custody certificate dated 02.08.2023, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 06 months and 15 days. While vehemently opposing the submissions of learned counsel for the petitioner, learned counsel for the State submits that the complainant/prosecutrix was 17 years and 11 months old at the time of

commission of crime. She also submits the prosecutrix in her statement has fully supported the prosecution version. Learned counsel further submits that after completion of investigation, challan has already been presented before the trial Court and charges have also been framed against the petitioner vide order dated 21.07.2023.

In view of the above and keeping in view the facts and circumstances of the case; the fact that matter has been compromised between the parties and the petitioner is ready and willing to marry with the prosecutrix and also the fact that conclusion of trial will take sufficient long time, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Manga Singh, is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

03.08.2023
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No