

2023:PHHC:152441
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-21313-2023

Date of Decision: 30.11.2023

MANGAL SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Amardeep Singh, Advocate for the petitioner.

Mr. Harpreet Singh, Addl. A.G., Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case bearing FIR No.52 dated 26.03.2022 registered under Sections 376, 363, 506, 120-B IPC and Section 4 of the POCSO Act, (Section 376(D)(A) IPC and Section 6 of the POCSO Act, 2012 added later on) at Police Station Sadar Tarn Taran, District Tarn Taran.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. During the course of investigation, the prosecutrix had refused to get her medical examination conducted and now the prosecutrix as well as her mother, who is complainant in the present case, has been examined as PW-1 and PW-2 respectively. Attested copies of the statements of the said witnesses are submitted in Court today, which are taken on record. Learned counsel for the petitioner further submits that neither the prosecutrix nor the complainant had supported the prosecution version.

3. On the other hand, learned State counsel while referring to reply

filed by way of affidavit of Ravisher Singh, PPS, Sub Division Khadur Sahib Camp at Goindwal Sahib, District Tarn Taran submits that the FIR was registered on the basis of statement of Gurjit Kaur-complainant and thereafter the prosecutrix was asked to get her medical examination conducted but she refused for the same, however, statement of the prosecutrix was recorded on 30.03.2022 under Section 164 Cr.P.C. by the Area Magistrate, wherein she has categorically stated that on 05.03.2022 when she was alone Mangal Singh and Jarman Singh came in the house and took her along with them and left her at Amritsar. They both lived in the village in the day time and used to do wrong act with her in the night and one person namely Raja also came with them and he also used to do wrong act with her. Mangal Singh used to say that he will perform marriage with her and left her in Rasoolpur canal on 11.03.2022 and thereafter she called her brother, who had taken her along with him. Referring to the seriousness of the allegations, learned State counsel opposes the bail petition of the petitioner.

4. I have considered the above submissions. Investigation is already complete and challan is pending for trial. The prosecutrix appeared as PW-1 before the trial Court on 17.08.2023 and has not supported the prosecution version and was declared hostile. Though in her cross-examination conducted by the Public Prosecutor, she has admitted having given the statement before the Area Magistrate under Section 164 Cr.P.C. but she stated that she had suffered the said statement in the pressure of the police and her parents. The complaint was lodged at the instance of Gurjit Kaur, who has also appeared as PW-2 and not supported the prosecution version. There are total 19 witnesses and only two have been examined so far. Medical examination of the victim was

not conducted, as she did not counsel for the same.

5. Without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

(HARPREET KAUR JEEWAN)
JUDGE

30.11.2023
P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No