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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32425-2022

Date of Decision:- 24.04.2023

Mahesh Yadav

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Damanjit Singh Sandhu, Advocate
for the petitioner.

Mr. M.S.Joshi, Addl. A.G. Punjab.

AMARJOT BHATTI, J. (Oral)

The petitioner – Mahesh Yadav has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 116 dated 22.09.2021 under Section 376 of IPC and under Section 3 & 4 of POCSO Act, registered at Police Station Sadar Raikot, District Ludhiana, Punjab.

The facts of the case are that the complainant – Ramanpreet Kaur gave her statement to the police that she is working as a Teacher in Government Middle School, village Bhaini Arora. The victim was her student, studying in 8th class. She refused to return home when the school timing was over. She started crying and on the asking of complainant, she disclosed that she was being sexually exploited by her father. She further alleged that her father had done wrongful act on Sunday night, the day before she came to school. The matter was brought to the notice of Incharge, Manvinder Singh. The uncle of the victim was also informed. The Panchayat members were called. The matter was investigated and thereafter, the present FIR was registered.

Learned counsel for the petitioner argued that he is falsely implicated in this case. No such occurrence ever took place. The chargesheet was framed and the statement of said victim has been recorded where she has not levelled any allegation against him. He is still ready to abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

Learned counsel representing the State pointed out that there are serious allegations against the present petitioner. The victim is a minor, whereas, the petitioner is her father. Considering the gravity of offence, he is not entitled to be released on regular bail.

I have considered the arguments and have gone through the record. As per the status report, the petitioner was arrested on 22.09.2021 and till date, he is behind the bars. The charge-sheet was framed and the statement of victim has been recorded as PW-2, which is Annexure P-2. In the said statement, she has not levelled any allegation against her father. She was declared hostile and was cross-examined. She denied the occurrence. The remaining prosecution witnesses are yet to be examined. He cannot be kept behind the bars for indefinite time period. Therefore, without expressing my mind on the merits of the case, the regular bail application filed by the petitioner – Mahesh Yadav is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge concerned.

The petition is accordingly, accepted.

24.04.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No