

2023:PHHC:118569

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

CRM-M-39413-2023

Date of Decision: 11.09.2023

RAJANDEEP SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Sandeep S. Majithia, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No.73 dated 25.05.2021 under Sections 363/366-A/376 IPC and Section 6 of the POCSO Act registered at Police Station Sadar, Tarn Taran, District Tarn Taran.

2. Short reply by way of affidavit of Ravisher Singh, Sub Division Khadur Sahib, Camp at Goindwal Sahib, District Tarn Taran and custody certificate have been placed on record.

3. Learned counsel for the petitioner contends that the victim was allegedly aged about 16 years. However, she had voluntarily accompanied the petitioner without any threat, pressure, inducement and allurement on the part of the petitioner. The victim had also voluntarily solemnized marriage with the petitioner. Subsequently, at the instance and under the pressure of her parents, she has deposed falsely with regard to the allegations of solemnizing forcible marriage. The petitioner is in custody for a period of 02 years, 03 months and 05 days and not involved in any other case. The statement of the victim during the course of trial has also been

recorded.

4. Learned State counsel has submitted that the victim was aged about 16 years at the time of occurrence. She has attributed allegations of commission of penetrative sexual assault and solemnizing forcible marriage in her statement under Section 164 Cr.P.C as well as during the course of trial. It has been further submitted that out of 21, 03 witnesses have already been examined.

5. It may be mentioned here that the petitioner is in custody for a period of 02 years, 03 months and 05 days and not involved in any other case. The controversy as to whether the victim had voluntarily solemnized marriage with the petitioner will be a debatable and moot point during the course of trial. The statement of the victim during the course of trial has been recorded and as such, it cannot be said that the petitioner can in any manner win over or influence the victim. Still 18 witnesses remain to be examined. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

6. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate.

11.09.2023
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(VIVEK PURI)
JUDGE

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