

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-42886-2020 (O&M)

Date of decision : 9.1.2023

Mani Lal

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sumeet Puri, Advocate,
for the petitioner.

Mr. C.L.Pawar, Addl. AG, Punjab

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.150 dated 16.8.2018 registered under Sections 377 IPC and Sections 3 and 4 of POCSO Act at Police Station Sadar Patiala, District Patiala.

Counsel for the petitioner *inter alia* contends that the petitioner is falsely implicated in the present case at the instance of the complainant-victim and his father and the petitioner was granted interim bail vide order dated 18.12.2020 and then he joined the investigation and thereafter, the police presented the challan and charges were framed and during the trial, the complainant-victim and his father are examined but they have not supported the case of the prosecution. So, prayer is made that the present petition be allowed.

Reply filed on behalf of the State by way of affidavit of Gurdev

to R-5 are ordered to be taken on record.

Present petition is resisted by the State counsel who submits that at the time of occurrence, the victim was less than 18 years of age and the present petitioner committed unnatural act with the victim. However, State counsel on instructions from ASI Kuldip Singh has not disputed the fact that during the trial, the victim and his father are declared hostile and copies of their statements are Annexures R-2 and R-3.

In view of the fact that the material witnesses have retracted from their previous statements while appearing in the witness box, no purpose is going to be served by subjecting the petitioner to custodial interrogation at this point of time.

In view of the above, without commenting on the merits of the case, the present petition is allowed and order of interim bail dated 18.12.2020 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

January 9, 2023

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No