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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48829-2021
Date of decision: 07.02.2023

NIRMAL SINGH

...Petitioner

VERSUS

GURSEWAK SINGH AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Manvir Singh Toor, Advocate for
Mr. P. P. S. Duggal, Advocate
for the petitioner.

Mr. Atul Goyal, Advocate
for respondent No.1.

Mr. Deepanjay Sharma, DAG, Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed for cancellation of bail order dated 16.07.2021 passed by this Court in CRM-M No.25905 of 2021 (Annexure P-2) in favour of Gursewak Singh-respondent No.1 in FIR No.0196 dated 26.12.2020, registered under Sections 363, 366-A and 376 IPC and Section 4 of the POCSO Act, at Police Station Machhiwara Sahib, Police District Khanna, District Ludhiana.

The petitioner herein is none other than the father of the girl, who was minor when the said FIR came to be registered against respondent No.1-Gursewak Singh with the allegation that he had enticed the minor daughter of the petitioner in connivance of co-accused. Gursewak Singh had

been allowed the concession of bail by this Court taking note of the statement given by the prosecutrix under Section 164 Cr.P.C. and that she had not made any allegation regarding any offence under Section 4 of the POCSO Act and the medical record did not reflect any physical relationship and further that since the custody of the minor girl was with her parents, the question of said Gursewak Singh influencing the testimony of the minor girl would not arise. The present application for cancellation of bail has been filed with an allegation that Gursewak Singh is trying to influence the complainant, who is the father, for a compromise.

Pursuant to notice of motion having been issued on the petition for cancellation of bail on 23.11.2021, a status report has been filed in Court today, which would reflect that in fact the prosecutrix and Gursewak Singh have solemnized marriage in July, 2022 and they are happily residing together. The status report would further reflect that in fact no complaint has been received regarding any harassment being meted out either to the complainant or to the prosecutrix at the hands of respondent No.1. It is submitted by learned State counsel, on instructions from ASI Avtar Chand, that the prosecutrix and complainant stand examined before the trial Court.

I have heard learned counsel for the parties and have also perused the status report as filed in Court today and find that no ground is made out for cancellation of the bail granted to respondent No.1-Gursewak Singh. The prosecutrix is currently residing with Gursewak Singh and there seems to be no complaint made at her behest. Gursewak Singh is facing prosecution under the said FIR, which will be decided on its own merit. There is no material available with this Court to come to a conclusion that

said Gursewak Singh has misused the terms and conditions of the bail granted to him.

Consequently, the instant writ petition is dismissed.

07.02.2023
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No