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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53265-2022

Date of Decision:- 10.04.2023

Ram Krishan

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. S.S. Duhan, Advocate
for the petitioner.

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

AMARJOT BHATTI, J. (Oral)

The petitioner – Ram Krishan has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 11 dated 14.01.2021 under Sections 363, 366-A of IPC (Section 376 of IPC, Section 6 of POCSO Act and Section 3(2)(V)(Va) of SC/ST Act added subsequently), registered at Police Station Bahawala, District Fazilka.

The facts of the case are that the complainant – Balram gave his statement to the police that he is father of four children. The victim is his daughter, who is aged about 15 years. She stayed in the house of her maternal grand father. About four months ago, Ram Krishan started keeping a bad eye on his daughter, therefore, she was brought to their Village Kikkar Khera. On 12.01.2021, he along with his wife had gone for their work. The other children were also not present in the house. The

victim was alone in the house. When they returned back home in the evening at about 06:00 P.M, they noticed that the victim was not present in the house. His sons disclosed that the victim had already gone prior to their returning home from the school. He tried to search his daughter but could not find her. Ultimately, the matter was reported to the police. Thereafter, the challan was presented in the Court where the prosecution evidence is under progress.

Learned counsel for the petitioner argued that Ram Krishan is behind the bars since 05.07.2021. The statement of the victim has been recorded as PW-1, which is Annexure P-2. She has not supported the prosecution case. He is ready to abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

On the other hand, learned counsel representing the State has opposed the bail application. He has also placed on record copy of statement of victim recorded as PW-1 as well as statement of complainant Balram recorded as PW-2 and statement of Rani recorded as PW-3. It is pointed out that both parents of victim have supported the prosecution version. The victim is a minor. Her consent does not carry any weight. Therefore, the regular bail application filed by the petitioner may be dismissed.

I have considered the arguments and have gone through the record carefully. In the case in hand, challan is already presented on 12.08.2021. The charge-sheet was framed and the prosecution evidence is being recorded. Admittedly, the statement of victim and both her parents have been recorded. The victim has not supported the prosecution version, whereas, the parents have supported the allegations. It cannot be ignored that the petitioner was arrested on 05.07.2021 and he is behind the bars till

date. All the material witnesses have been examined. Trial of this case may take some time. No purpose would be served by keeping him 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 – Ram Krishan is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge concerned.

The petition is, accordingly, accepted.

10.04.2023
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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No