

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

232

CRM-M-54468-2023 (O&M)

Date of Decision : 23.11.2023

RANNO

.... Petitioner

VERSUS

STATE OF PUNJAB

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. C.S. Bakshi, Advocate for the petitioner.

Mr. Mohinder Singh Joshi, Addl. AG Punjab.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.121 dated 23.07.2023 under Sections 376, 315, 316, 420, 120-B of the Indian Penal Code, 1860 and Sections 4 and 6 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Shahkot, District Jalandhar Rural.

2. The FIR was lodged on the statement of the complainant wherein she stated that after school hours she used to take tuition from Master Prabhjot where Amaninder Singh also used to come for tuitions. She and Amaninder Singh became friends. He used to take her to different restaurants in Nakodar on the pretext of eating and drinking. He also made false pretext of marriage and on the said pretext made sexual relations with her against her will. It is further alleged that Amaninder Singh made sexual

relations with her for about 6-7 months due to which she got pregnant. On 22.07.2023 she told Amaninder Singh that she had a stomach ache. Amaninder Singh called and asked her to reach at Hanuman Mandir, Shahkot. There he along with his friend Pawan made her to sit in a Breeza car and took her with them. They first took her to Nakodar and after that they took her to a village across River Satluj from where they took a medicine which was later on administered to her causing her to abort the fetus. It is further the allegation that her mother kept calling the mobile phone of Amaninder Singh, however, he told her that she was not with him. Thereafter, he got scared and sent her to Shahkot with his friend Pawan. She was dropped at Bus Stand Shahkot where her parents were present. She wanted to use the washroom as she was having pain in the stomach. She went to use the washroom inside the Shahkot Police Station and there she aborted the fetus. Her parents with the help of other relatives took her and the fetus to the Civil Hospital where the fetus was declared brought dead and she was referred to Civil Hospital, Nakodar.

3. Learned counsel for the petitioner would contend that the petitioner was neither named in the FIR nor in the statement of the victim recorded under Section 164 CrPC. Learned counsel would further contend that the petitioner was nominated on the disclosure statement of Pawan who stated that the victim was first taken to Dr. Saleem and then Dr. Saleem took her to the petitioner herein and gave the medicine for abortion. Learned counsel has referred to the order dated 29.09.2023 passed by Additional Sessions Judge-cum-Fast Track Court (POCSO), Jalandhar wherein it has

specifically been noticed that neither Pawan Kunar nor the victim had seen the present accused/applicant. It is further the contention of the learned counsel that there is no other incriminating evidence against the petitioner.

4. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of two months. Learned counsel for the State, on the instructions from ASI Sarwan Singh, is not in a position to deny the fact that the petitioner was neither named in the FIR nor in the statement of the victim recorded under Section 164 CrPC. Learned counsel is also not in a position to deny the fact that in the order dated 29.09.2023 passed by Additional Sessions Judge-cum-Fast Track Court (POCSO), Jalandhar it has specifically been noticed that neither Pawan Kumar (on whose disclosure statement the petitioner has been nominated) nor the prosecutrix/victim had seen the present petitioner.

5. Heard.

6. In the present case the petitioner was neither named in the FIR nor in the statement of the victim recorded under Section 164 CrPC. In the order dated 29.09.2023 passed by Additional Sessions Judge-cum-Fast Track Court (POCSO), Jalandhar there is a specific reference that neither Pawan Kumar (on whose disclosure statement the petitioner has been nominated) nor the prosecutrix/victim had recognized the present petitioner. There is no other incriminating evidence against the petitioner. The petitioner has been in custody for a period of two months. The trial is likely to take some time to conclude and no useful purpose would be served by

keeping the petitioner behind the bars any further.

7. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

8. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

9. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

10. Disposed off. Pending applications, if any, also stand disposed off.

23.11.2023
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO