

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

293

CRM-M-60766 of 2022

Date of decision : 08.02.2023

Lachhman Singh

... Petitioner

Versus

State of Punjab

.. Respondents

CORAM : HON'BLE MRS.JUSTICE AMARJOT BHATTI

Present : Mr.K.S.Brar, Advocate for the petitioner.
Mr.M.S.Joshi, Addl. AG, Punjab.

Amarjot Bhatti, J.

Petitioner – Lachhman Singh has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.86 dated 06.09.2021 under Sections 376 IPC and Sections 4 and 6 of POCSO Act, 2012, registered at Police Station Bathinda, District Bathinda.

The brief facts of the case are that the prosecutrix gave her statement that she is aged about 15-16 years. She along with her mother and sister are residing in the village of her maternal grand-parents from 22.08.2021. Earlier, they were residing in Dhobiana Basti in a rented house. Lachhman Singh was also residing there. Her mother was doing labour work. About 6-7 months ago, she was alone in the house when Lachhman Singh maintained physical relation with her and she was threatened not to disclose this fact to anybody. He maintained relationship 2-3 times but she did not disclose to anybody. On 05.09.2021, she was taken to doctor and during check up, it was revealed that she was pregnant. Thereafter, she disclosed about the aforesaid facts to her mother and the matter was reported to the police.

Learned counsel for the petitioner argued that he is falsely

implicated in this case. No such occurrence ever took place. The statement of the victim was recorded under Section 164 Cr.P.C. where she did not level any such allegation which is Annexure P-2. He also referred to the statement of mother of the victim recorded as PW-1, statement of victim recorded as PW-5, which are annexed as Annexure P-3 where again no allegation was leveled against him and they were declared hostile. He was arrested in this case. He is in custody since 13.09.2021, as per the custody certificate. Trial of this case is likely to take some time. It is prayed that his regular bail application may be allowed.

The bail application is opposed by learned counsel representing the State. Detailed status report is also filed in which it is confirmed that the challan in this case has been presented on 01.11.2021. The charges were framed on 08.11.2021. Till date, 07 prosecution witnesses have been examined. It is argued that the victim was a minor. At the time of alleged offence, she had become pregnant. There were specific serious allegations against the petitioner. Therefore, he is not entitled to be released on bail.

I have considered the arguments and have gone through the record carefully. The petitioner is facing trial in the aforesaid FIR. It is not disputed that the statement of mother of the victim has been recorded as PW-1 where she was declared hostile. She did not support the prosecution case. In her statement, it was alleged that the prosecutrix is married to Bhola Singh and the child belong to him. The statement of prosecutrix is also recorded as PW-5 where she again did not support the prosecution version. Their statements are Annexure P-3. As per the status report, prosecution evidence is still going on. The trial of this case may take some time. The petitioner is behind the bar for the last 01 year 04 months approximately.

Considering the aforesaid facts, the petitioner cannot be kept

behind the bars for indefinite period and therefore, without expressing my mind on the merits of the case, the regular bail application filed by the petitioner-Lachhman Singh is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge concerned.

The petition is accordingly, accepted.

08.02.2023
sd/lalit

(AMARJOT BHATTI)
JUDGE

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