

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.211

CRM-M-60802-2023 (O&M)
Date of decision : 08.12.2023

Rakesh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. M.S. Sachdeva, Advocate, for the petitioner.

Mr. Harpreet Singh, Addl. AG, Punjab.

HARPREET KAUR JEEWAN, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.16 dated 24.02.2023 (Annexure P-1) registered under Sections 354, 511 IPC and Section 8 & 12 of the POCSO Act, 2012, registered at Police Station Division No.3, District Jalandhar.

The petitioner is facing trial in the present case, which has been registered at the instance of the complainant with the allegations that on 24.02.2023 at 7:30 p.m., the petitioner had teased the prosecutrix dragged her towards him and sexually assaulted her. However, the petitioner refused for her medical examination.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is facing trial in the aforesaid FIR. He further submits that there was some money dispute and the petitioner had lent Rs.40,000/- to the father of the prosecutrix and on that account a false FIR has been lodged.

On the other hand, learned State counsel opposes the bail on the ground that the allegations levelled against the petitioner are serious in nature. However, on instructions he further submits that challan has been filed and out of total 13 witnesses 04 witnesses have been examined including the material witnesses. The age of the prosecutrix is 16 years.

In view of the above facts and circumstances and considering the fact that the trial will take some time to conclude, investigation qua the petitioner is complete and without discussing the merits of the case, the present petition is allowed.

The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Judicial Magistrate, concerned.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

(HARPREET KAUR JEEWAN)
JUDGE

08.12.2023
Ramandeep Singh

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