



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

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CRM-M-33313 of 2024

DATE OF DECISION :- 19.07.2024

Bipin Kumar @ Pintu and another**...Petitioners****Versus****State of (UT) Chandigarh****...Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. Kunal Dawar, Advocate for the petitioners.

Mr. Manish Bansal, P.P. U.T., Chandigarh
with Mr. Shubham Mangla, Advocate.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case bearing FIR No.37 dated 20.05.2024, registered for the offences punishable under Sections 376(D) of IPC and Section 6 of POCSO Act at Police Station IT Park, Chandigarh.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“12. FIR contents (Attach separate sheet if required. Statement of victim girl R. D/o Ram Jiyawan, Post Bakatwa village Tarhawa Balrampur, Uttar Pradesh, 17 years. Stated that I am resident of the above-mentioned address and we are 5 siblings. The eldest sister is Arti, age 30 years then is my brother Inderjeet age 21 years, and then is me, R age 19 years. My parents got recorded my wrong age in my Adhar card, I was shown to be younger. That my younger brother, Rajkumar is aged 14 years. That I was born at my home and I did not go to any school. That about 2 years ago I started residing with my elder sister Arti w/o Prahlad at 1151, Kishangarh, Chandigarh.



That I became friends with Pintu, who was neighbor to the room where my sister was residing. He was residing at 1605. He was a resident of Bihar. That in November-December 2023, when my sister use to go to pick for children from school, then Pintu use to come to my sisters house, where I and Pintu developed physical relations. That after one week when my sister went to pick her children from school, I was alone in the house, then I and my brother-in-law, Prahlad also developed physical relations. That due to physical relations with Pintu and my brother-in-law, Prahlad I missed my period, which I did not realized and I went to my village in January, 2024. Then my parents got me married on 28.04.2024, but they did not send me with my husband and I came back with my sister Arti w/o Prahlad and started residing at 1151, Kishangarh Chandigarh. That I have come to stay with my sister about 1 week ago and I felt pain in my stomach. Then my sister Arti took me to Civil Hospital, Manimajra for checkup, where after seeing my report the doctor informed me that I am pregnant and referred me to PGI Chandigarh, where I gave my willingness to abort my pregnancy and got admitted in PGI Chandigarh for abortion. That I gave my Adhar card as my age proof, in which my date of birth was recorded as 03.07.2007. my Adhar no. was 633752135769. The statement has been recorded and has been read over, it is correct. Sd/- Ruby Victim Girl, Sd/- Arti sister of Victim. Attested Asha Devi, SI. Dated 20.05.2024. Police Proceedings: To, SHO, PS IT Park, Chandigarh, it is requested that I SI along with LC Amita Devi 4029/CP reached room no. 402, Private ward PGI, Chandigarh, where the admitted girl R daughter of Ram Jiyawan, met me, ASI, who in presence of his sister Arti w/o Prahlad recorded her above mentioned statement. That as per the contents of the above mentioned statement offences u/s 376 D IPC, 6 POCSO Act are made out against Pintu and Prahlad. For registering an FIR against Pintu and Prahlad, LC Amita Devi 4029/CP is being sent to the police



station. After registration of the case, the number may be informed. I ASI is busy at the spot at PGI Chandigarh. From PGI Chandigarh room no. 402, 4th floor, private ward at 6 PM. Sd/- Asha Devi SI PS IT Park dated 20.05.2024. Today at police station upon receiving the complaint the FIR was registered at Police Station and the original complaint along with the police file was sent through LC to LSI for further proceedings at the spot. Copies of the FIR will be sent to the concerned officials.”

3. Learned counsel for the petitioners as argued that the petitioner No. 1 is in custody since 22.05.2024 whereas petitioner No. 2 is in custody since 23.05.2024. Learned counsel for the petitioners has further submitted that the petitioners have been falsely implicated into the FIR in question on account of misunderstanding/pressure upon the victim by the hospital authorities. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel (on instructions from SI Dilawar Singh) has very fairly submitted that a cancellation report has already been prepared qua the FIR in question by the police and the said cancellation report has even been approved by the Senior Superintendent of Police, Chandigarh and the same is likely to be presented before the concerned competent Court shortly.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. Keeping in view the entirety of the facts and circumstances of the case especially the fact that the police has already prepared a cancellation report which has been approved by the competent authority i.e. Senior Superintendent of Police, Chandigarh and the same is likely to be

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presented before the concerned competent Court in a short span; this Court does not deem it appropriate to warrant further detention of the petitioners.

7. In view of above, the present petition is allowed. Petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioners shall remain bound by the following conditions:-

- (i) The petitioners shall not mis-use the liberty granted.
- (ii) The petitioners shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioners shall not absent themselves on any date before the trial.
- (iv) The petitioners shall not commit any offence while on bail.
- (v) The petitioners shall deposit their passports, if any, with the trial Court.
- (vi) The petitioners shall give their cell-phone numbers to the Investigating Officer/SHO of concerned Police Station and shall not change their cell-phone numbers without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioners shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioners.

9. Ordered accordingly.



10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

19.07.2024
P.Singh

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