

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

247

CRM-M-37181-2023 (O&M)
Date of Decision : 02.02.2024

RAHUL SALHOTRA @ LATTU AND ANOTHERPetitioner(s)
Versus
STATE OF PUNJABRespondent(s)

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. B.D. Sharma, Advocate for the petitioners.
Mr. Iqbal Singh Mann, DAG, Punjab.
Mr. Ravi Malhotra, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.24 dated 08.03.2023, registered for the offences punishable under Sections 377, 506, 341 of IPC, 1860 read with Sections 3, 4, 6, 10 and 12 of the POCSO Act, 2012 at Police Station Division No.5, District Jalandhar.

2. FIR was registered with respect to a victim who is 12 years old child being violated by the present petitioners. Counsel for the petitioners submits that as per medical evidence, there is no injury on the body of the victim in the form of any tear etc. and thus there is no corroboration to the bald allegations of the victim being sodomised by the present petitioners. Further relies upon document i.e. compromised dated 01.03.2023 stated to have been arrived at between one of the

present petitioner namely Rajnish Syal @ Bawa Syal and father of the victim who is the complainant in the FIR case.

3. As per the contents of the said compromise between the parties, the present petitioner No.2-Rajnish Syal@Bawa Syal complained against the victim of stalking his daughter. The family of the victim in the present FIR apologized and regretted for his indiscent behaviour and promise that the same shall not be repeated again.

4. Counsel for the petitioners submits that it is evident from the contents of the said compromise dated 01.03.2023 that till date time there was no allegation of the victim being sodomised rather he was culprit and thus the allegations in the present FIR with respect to the victim being violated as stated by the victim in his statement under Section 164 Cr.PC are nothing but counter-blast to the said complaint made by the petitioner No.2. He further submits that the said compromise was put to the victim when he appeared as a PW-2 and he has admitted the signature of his father. He further submits that false implication of the petitioner is evident.

5. Per contra, counsel for the complaint further submits that though the signature of the father of the victim have been admitted by him but he has not admitted the contents of the compromise keeping in view the serious allegation of the offence, present petitioners do not deserve to be released on bail.

6. Having heard rival contentions of the parties and after going through the case, keeping in view the fact petitioners are behind bars since 10.03.2023 and not only police report stands presented but the material witness i.e. victim stands examined, present application is allowed. Petitioners are ordered to be released on

regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

8. Pending applications, if any, also stand disposed off.

02.02.2024
Deepak Patwal

(PANKAJ JAIN)
JUDGE

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