

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-43403-2023 (O&M)
Date of decision: 22.02.2024

MUKUL

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. S.S. Rana, Advocate and
Mr. Arvind K. Sharma, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case bearing FIR No.153 dated 19.07.2022 registered under Sections 363, 366-A IPC (Sections 376(2)(n) IPC and Section 6 of the POCSO Act, 2012 added later on) at Police Station Moti Nagar, District Ludhiana.
2. The petitioner is facing trial in the present case, which has been registered at the instance of the father of the prosecutrix with the allegations that the prosecutrix aged about 17 years and 5 months, who is student of matriculation was enticed away by the petitioner on 16.07.2022 on pretext to perform marriage and the matter was reported to the police. Thereafter, the present FIR was registered under Sections 363, 366-A IPC against the petitioner. The petitioner was arrested on 03.09.2022 and the prosecutrix was recovered from the petitioner on the same day. The medical examination of the prosecutrix was conducted and

statement was also recorded before the trial Court.

3. Statement of the prosecutrix recorded before the trial Court as well as custody certificate is submitted in Court today, which is taken on record.

4. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and the petitioner is in custody for the last 1 year 5 months and 19 days. He further contends that the statement of the prosecutrix has already been recorded during the trial. He submits that medical examination of the prosecutrix was got conducted and as per medical report, no human semen was found in the samples of the victim. He further submits that the trial is going to take time to conclude, as such, prayer for releasing the petitioner on bail has been made.

5. On the other hand, learned State counsel opposes the bail on the ground of gravity of allegations levelled against the petitioner however he has confirmed about recording of statement of the prosecutrix as PW-1. He has submitted Annexures R-1 and R-2 which have been mentioned in the status report but are not placed on the file. The same are taken on record and the Registry is directed to scan the above-said Annexures R-1 and R-2.

6. I have considered the aforesaid contentions. No doubt the allegations against the petitioner are serious in nature but the petitioner is in custody for the last about 1 year 5 months and 19 days. Investigation is complete and the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court; statement of the prosecutrix has been recorded, as per CFSL report, no human semen was detected in the samples of the victim, there are total ten prosecution witnesses and none has been examined so far, the trial will take some time to conclude and there is no apprehension of the petitioner absconding during the

trial.

8. Without commenting on the merits of the case and keeping in view the above facts, the present petition is allowed.
9. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds/surety to the satisfaction of the trial Court/CJM, concerned.
10. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

22.02.2024
P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No