

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

(206)

CRM No. M-13613-2021

Date of Decision : 31.03.2021

Sikander Singh

....Petitioner

Versus

State of Punjab

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. R.S. Budhwar, Advocate for the petitioner.

Mr. Sidakmeet Singh Sandhu, Assistant Advocate General,
Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 08, dated 13.01.2019, under Sections 363, 366-A IPC (Section 376 IPC and Section 4 of POCSO Act, 2012 added later on), registered at Police Station Nihal Singh Wala, District Moga (Punjab).

Learned counsel for the petitioner argues that the minor victim in her statement has admitted that they were in relationship from the last 6 to 7 years before the registration of the FIR and though, it has been stated that during the said relationship, she was forced to indulge in sexual activities by the petitioner. Learned counsel for the petitioner submits that no accusation was alleged against the petitioner when the statement of minor victim was recorded under Section 164 of the Cr.P.C. but the said

complainant as well as the minor victim have already been examined and the present case was of consensual relationship. Learned counsel for the petitioner submits that the trial is likely to take some time before the same is concluded and the petitioner is already behind the bars for the last 2 years, 2 months and 14 days and there are no other cases pending against the petitioner.

Notice of motion.

Mr. Sidakmeet Singh Sandhu, Assistant Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that the victim is a minor in age though, she has admitted that she was in a relationship with the petitioner for the last 6 to 7 years. Learned State counsel further submits that in the examination of the minor, she has supported the allegations alleged against the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances recorded here-in-before, especially, when the victim girl has already been examined and the petitioner is already behind the bars for the last more than 2 years and 2 months and the trial is likely to take some time before the same concludes, no useful purpose will be solved keeping the petitioner behind the bars any further as there are no other cases pending against the petitioner and learned counsel for the petitioner has undertaken before this Court that the petitioner will not influence the trial in any manner and will maintain good

conduct, if he is granted bail. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

March 31, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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