

220 IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-42217 of 2019.

Decided on:- November 26, 2019

. Gurnam Singh.Petitioner. Versus State of Punjab.

Respondent. CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA. *****

Present:- Mr. Parv Aggarwal, Advocate for Mr. A.P.S. Sandhu, Advocate for the petitioner. Mr. Saurav Khurana, D.A.G., Punjab. H

ARI PAL VERMA, J. (Oral) Prayer in this petition filed under Section 439 read with Section 482 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.112 dated 11.05.2019 under Section 354 IPC as well as Section 8 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Beas, Amritsar Rural, District Amritsar. The aforesaid FIR had been registered at the behest of the mother of the alleged victim, who is a girl of unsound mind and is 15 years of age. As per the FIR, on 01.05.2019, when the complainant had come to her house, her daughter (victim) had told her that the petitioner, who is a resident of village Jamalpur had done obscene act with her. The victim cannot express herself 1 of 3 :: Downloaded on - 29-11-2019 20:35:47 :: CRM-M-42217 of 2019 -2- fully. The complainant had seen the petitioner while going outside her house and earlier also, she had seen him doing wrong acts with the victim, but on the date of alleged incident, she had seen it with her own eyes. The petitioner ran away leaving his cycle and one shoe which he was wearing. It was suspected that he had committed rape upon her daughter. Learned counsel for the petitioner states that the petitioner is an old man of about 80 years of age. The complainant is habitual in making such like complaint repeatedly. Many people including the Sarpanch of the village have furnished their respective affidavits to the effect that the complainant is habitual in making such like allegation in order to extract money. There is no medical report in the case and the trial is not likely to be concluded in near future. The petitioner is in custody since 01.07.2019. Learned State counsel, on instructions from ASI Gurnam Singh, is fair enough to submit that the Sarpanch and some other people of the village have furnished their affidavits against the complainant. The chemical examination report in the case is awaited. I have heard learned counsel for the parties. The allegation against the petitioner is that he had committed rape upon the prosecutrix, who is a young girl of 15 years of age and is of unsound mind. The complainant has alleged that earlier also, she had seen the petitioner while doing wrong acts, but she had not reported the matter to the police, which creates a serious doubt about her veracity. No such medical report has come on record to substantiate the allegations made by the complainant. 2 of 3 :: Downloaded on - 29-11-2019 20:35:48 :: CRM-M-42217 of 2019 -3- In this view of the matter, when the petitioner is an old man about 80 years of age and the trial is not likely to be concluded in near future, this Court finds that the petitioner deserves to be admitted on bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court. It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witness directly or indirectly in any manner. The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the

trial Court shall decide the case without being influenced with these observations in any manner. (HARI PAL VERMA) November 26, 2019 JUDGE Yag Dutt Whether speaking/reasoned: Yes Whether Reportable: No 3 of 3 ::: Downloaded on - 29-11-2019 20:35:48 :::