

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

**CRM-M-21528-2015**

**Date of decision: July 30, 2015**

**GURDEEP SINGH**

**....Petitioner**

**VS**

**STATE OF PUNJAB**

**....Respondent**

**CORAM: HON'BLE MR. JUSTICE JASPAL SINGH**

Present:    Mr. Amardeep Singh Mann, Advocate  
                 for the petitioner.

                 Mr. Deepak Garg, AAG, Punjab  
                 for the respondent-State.

**JASPAL SINGH, J.(ORAL)**

                 This is a petition under Section 439 Cr.P.C. preferred by Gurdeep Singh seeking bail in case FIR No.42 dated 27.04.2015, under Sections 354-B, 341 and 34 of IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Sadar Mansa, District Mansa.

                 Allegations against the present petitioner are that on April 23, 2015 at 01:00 pm when complainant was returning to home after attending school and reached at a secluded place near 'Pakka Khal', Gurdeep Singh-petitioner and Simranjit Singh were standing there. They intercepted her, Gurdeep Singh caught hold her arm and tried to drag her in the field, whereas, co-accused of the petitioner namely Simranjit Singh had removed her duppatta (chunni) and started fondling with her breasts.

                 Learned counsel for the petitioner has submitted that petitioner has been falsely implicated in the instant case. In fact, complainant and the petitioner are neighbourers and both the families have cordial relations with each other. Victim approached petitioner with the proposal of her marriage with him, which was declined by him. He tried her to make understand that since there is a cordial relationship between their families and it would not be

proper to contact marriage. She made repeated proposals in this regard and when he finally refused, she felt insulted and got the present case registered just to teach him a lesson. Otherwise, no such occurrence has ever taken place. It has further been submitted that petitioner was arrested on April 30, 2015 and since then, he is suffering incarceration. Investigation is complete. Challan has already been presented which is pending trial before the Court at Mansa.

Learned State counsel has strongly opposed the grant of bail submitting that prosecutrix is minor and less than 18 years of age. Moreover, if no such occurrence has taken place, no girl would come forward to level such false allegations which is likely to effect her future career. Learned State counsel prays for dismissal of instant petition.

This Court has given anxious thought to aforesaid submissions made by learned counsel for the parties and have perused the records.

Undoubtedly, petitioner is suffering incarceration since the date of his arrest i.e. April 30, 2015. Challan has already been presented in the Court of Jurisdictional magistrate which has since been committed to the Court of Sessions Judge. Trial will take long time to conclude. There is also no likelihood of the accused of his absconding.

In the given circumstances, this Court is of the considered view that it would not be desirable to keep the petitioner behind the bars for an indefinite period or till the disposal of the trial. Accordingly, petition stands allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds at the satisfaction of concerned trial Court/Duty Magistrate.

**July 30, 2015**  
*m. sharma*

**(JASPAL SINGH)**  
**JUDGE**