

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-38013-2014

Date of decision : 27.02.2015

Jaspreet Singh @ Sunny

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. G.S.Verma, Advocate
for the petitioner.

Mr.J.S.Sekhon, AAG, Punjab.

REKHA MITTAL, J.(ORAL)

Counsel for the petitioner contends that the petitioner is in custody since 04.09.2013 and as per allegations levelled against him, he sexually assaulted his son aged about 5 years. The complainant namely Harjeet Singh, grand father of the victim and Nirmal Kaur wife of Harjeet Singh have been examined and they failed to support the prosecution case. He further submits that conclusion of trial will take its own time and the petitioner may be released on bail pending trial.

Counsel for the State has not disputed factual assertions in regard to Harjeet Singh and Nirmal Kaur having not supported the prosecution as they turned hostile. However, it is submitted that in view of gravity of allegations, the petitioner does not entitle to be released on bail.

I have heard counsel for the parties and perused the records.

A report has been received from the trial Court i.e. Additional

Sessions Judge, Ludhiana that victim/child aged about 5 years was produced before the Court on 02.02.2015 but he was not found fit to make statement due to his tender age. Concededly, Harjeet Singh and Nirmal Kaur grand parents of the child were examined in the Court but they did not accuse the petitioner for the charged offence. The petitioner is behind the bars since 04.09.2013 and conclusion of trial is likely to take its own time.

Without meaning to express any opinion on merits of the controversy, bail to the petitioner subject to satisfaction of the trial Court.

However, he shall remain bound by the following conditions:-

- (i) he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and
- (ii) he shall not leave India without the previous permission of the Court.

(REKHA MITTAL)
JUDGE

February 27, 2015.
DK