

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM No. M-44190 of 2014

Date of decision: 08.01.2015

Gurdev Singh Mistri

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr. O.P.Kamboj, Advocate for the petitioner
Mr.Ashish Sanghi, DAG Punjab

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

The petitioner has been booked under Section 354A IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (for short, POCSO Act). The maximum sentence under Section 354A IPC is three years while under Section 8 of the POCSO Act is three to five years. The petitioner claims that the present complaint was moved as a counter blast to the complaint dated 23.6.2014 moved by him before the Superintendent of Police, Abohar about the alleged occurrence of 16.2.2004.

Without going into the controversy, it is found that the petitioner is in custody for the last about three months. Challan has been presented which is pending in the Court of Shri J.P.S.Khurmi, learned Additional Sessions Judge, Fazilka. Disposal of challan will

take some time. In the circumstances, further custody of the petitioner is considered groundless.

Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal bonds in the sum of ₹.50,000/- with one surety in the like amount, to the satisfaction of the learned Additional Sessions Judge, Fazilka subject to such conditions as may be imposed.

08.01.2015
gk

(Kuldip Singh)
Judge