

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

CRM-M No. 10544 of 2017(O&M)

Date of decision: 5.4.2017

Gurlal Singh @ Jaspal Singh @ BabuPetitioner

VERSUS

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Jashandeep Singh Sandhu, Advocate for the petitioner.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of regular bail in FIR No.31 dated 01.03.2016 registered with Police Station Canal Colony Bathinda, District Bathinda for offence punishable under Sections 376/149 of the Indian Penal Code, 1860 (in short 'IPC'); 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 (in short 'POCSO Act') and 5 and 9 of Immoral Traffic Prevention Act, 1956.

Notice of motion.

Mr. Ankur Jain, AAG, Punjab accepts notice on behalf of respondent-State.

Counsel for the petitioner has submitted that no allegations with regard to committing offence of rape constituting offence under Section 376 IPC and Section 3 and 4 of the POCSO Act have been levelled against the petitioner. The petitioner has been indicted in the crime being the son-in-law of Binder Kaur @ Angrej Kaur against whom the prosecutrix has levelled serious allegations. It is further submitted that the

only allegation against the petitioner is that the petitioner had been bringing tablets and giving to the prosecutrix by saying that it would prevent pain. The last submission made by counsel is that the petitioner is ready to face the proceedings, in accordance with law, without any default.

Counsel for the State has submitted that the trial is pending in the Court; 8 witnesses have already been examined and the remaining witnesses are likely to be examined within a short span of time.

Be that as it may, the allegations with regard to sexual assault upon the prosecutrix have not been levelled against the petitioner. Two co-accused in the case namely Manwinder Kaur @ Manni and Satnam Singh @ Deepu have already been released on bail by this Court. The petitioner is in custody for the past more than one year. Conclusion of trial is likely to take some time.

Without meaning to express any opinion on merits of the case, the petitioner shall be released on bail subject to furnishing bail bonds to the satisfaction of the trial Court. However, he shall abide by the following conditions:-

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

APRIL 5, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no