

In the High Court of Punjab and Haryana at Chandigarh

CRM -M-23375 of 2016

Date of Decision: 14.2.2017

Jutan Sarkare Dushant

---Petitioner

versus

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Amandeep Singh, Advocate
for the petitioner

Mr. Ankur Jain, AAG, Punjab

Rekha Mittal, J.

The petitioner prays for grant of regular bail in FIR No. 78 dated 2.6.2016 registered at police station, Haibowal, District Ludhiana for offence punishable under Section 354-A of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (in short "POCSO Act").

Counsel for the petitioner has submitted that though the FIR was registered for offence punishable under Section 4 of the POCSO Act but the petitioner has been charged for offence punishable under Section 12 of the said Act. It is further submitted that the petitioner is in custody since 2.6.2016 and the trial court is in progress. The alleged victim and her mother (complainant) have already been examined. The petitioner is ready to face proceedings, in accordance with law but conclusion of the trial may take sometime.

Counsel for the State has not disputed the factual assertions but opposed the prayer for bail

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

Be that as it may, the alleged victim of the crime and her mother have already been examined before the trial court on 9.2.2017. Conclusion of the trial is likely to take its own time. There is no allegation against the petitioner that is likely to flee from the process of justice in case enlarged on bail.

Without commenting on merits of the controversy, the petition is allowed and the petitioner is ordered to released on bail subject to his furnishing bail bonds to the satisfaction of the trial court. However, he shall abide by the following conditions:-

- (i) He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and
- (ii) He shall not leave the limits of this country without prior permission of the Court.

(Rekha Mittal)
Judge

14.2.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No