

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

CRM-M No.19397 of 2018

Date of Decision: 10.10.2018

Narinder Singh @ Chotta

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. A.D.S. Sukhija, Advocate
for the petitioner.

Mr. C.L. Pawar, Sr. D.A.G., Punjab.

DAYA CHAUDHARY, J.

Petitioner-Narinder Singh @ Chotta has approached this Court by way of filing the present petition under Section 439 of the Code of Criminal Procedure for grant of regular bail to him in case FIR No.102 dated 04.12.2017 registered under Section 377 IPC, Sections 5 and 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Sadar Banga, District Fatehgarh Sahib during pendency of the trial.

Learned counsel for the petitioner submits that all the offences, as mentioned in the FIR, were deleted and challan was presented under Section 8 of the Protection of Children from Sexual Offences Act, 2012 (here-in-after called as `POCSO Act'). He further submits that no injury has been caused to the victim and the petitioner is in custody since 04.12.2017. Learned counsel also submits that the petitioner is a young man and is having no criminal history. He is ready to abide by all terms and conditions to be imposed by this Court.

Learned State counsel has not disputed the custody period but opposes the submissions made by learned counsel for the petitioner, keeping in view the nature of offence.

Heard the arguments of learned counsel for the petitioner and have also perused the contents of the FIR as well as other documents available on the file.

Undisputedly, initially the FIR was registered under Sections 377 IPC and Sections 5 and 6 of the POCSO Act but subsequently, all offences were deleted and challan was presented under Section 8 of the POCSO Act.

As per medical examination report of the victim, no sign of any external injury was found. Thereafter, it was found to be a case under Section 8 of the POCSO Act. The petitioner has already suffered incarceration for more than 10 months. He is neither involved nor required in any other case under sexual offence.

Accordingly, by considering the totality of facts and circumstances of the case; custody period and without expressing any opinion on the merits of the case, the present petition is allowed and petitioner, namely, Narinder Singh @ Chotta is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

10.10.2018
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No