

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

**CRM-M-32326-2018
Date of Decision: 18.12.2018**

Gurtej Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr.P.S. Paul, Advocate
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

Mr. Naveen Sharma, Advocate,
for the complainant.

JAISHREE THAKUR, J. (Oral)

This petition has been filed for grant of regular bail to the petitioner herein in case FIR No.4 dated 06.01.2018 under Sections 354, 341, 458, 376 and 511 IPC (offence under Sections 341, 458, 376 and 511 IPC added later on) and Section 8 of the POCSO Act registered at Police Station Balongi, District SAS Nagar, Mohali.

Learned counsel for the petitioner contends that this is a case of false implication only to extort money from the petitioner while also submitting that statement of the prosecutrix has been recorded in Court in

which she has made major improvements.

Appearance has been caused by Mr. Naveen Sharma, Advocate, for the complainant, who submits that the family of the petitioner is pressurizing them to compromise the matter and in this regard a complaint has already been filed.

Learned counsel for the respondent-State opposes the grant of regular bail, however, does not dispute the fact that the statement of the material witnesses, namely, the prosecutrix has been recorded.

I have heard learned counsel for the parties.

In view of the fact that the petitioner herein has been incarcerated since 08.04.2018, the material witness, namely the prosecutrix has been examined and the trial is likely to take some time to conclude, the present petition is allowed. Without expressing any opinion on merits of the case, the petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (i) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial Court.

(iii) He shall not leave the country without the previous permission of the Court.

However, before parting with this order the respondent-State is directed to look into the complaint that has been filed by the complainant and, if so required, take appropriate action thereon.

18.12.2018

(JAISHREE THAKUR)
JUDGE

Satyawan

Whether speaking/reasoned
Whether reportable

Yes.
No.