

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 36252 of 2018 O&M)

Date of decision : 11.10.2018

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Kulwinder Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr.Veneet Sharma, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior Deputy Advocate General,
Punjab.

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H. S. Madaan, J.

This petition for regular bail has been filed by petitioner Kulwinder Singh, an accused in FIR No. 35 dated 4.5.2018, for offences under Section 354 IPC and Sections 8, 10 of the Protection of Children from Sexual Offence Act, 2012, registered at Police Station Kheri Gandian, District Patiala.

Briefly stated, facts of the case are that the FIR in question was registered on the basis of statement of complainant Jaswant Singh s/o Darshan Singh r/o village Harpalpur, Police Station Kheri Gandian, District Patiala. Inter alia he stated that on 2.5.2018 at about 9.00 P.M., his daughter – prosecutrix (name withheld to

conceal the identity), aged about 8 years, had gone to see the cycle show in the street. When she was passing by the house of Ajaib Singh and Kulwinder Singh s/o Pritam Singh, then Kulwinder Singh, who was in drunken condition, caught hold of her and tried to take her to the phirni of village. On girl's raising hues and cries, Kulwinder Singh left his daughter and ran away.

Formal FIR was registered. The accused was arrested in this case. After completion of investigation challan against the petitioner has been filed and the trial is going on.

The accused had moved an application for grant of regular bail before the Court of Sessions, which was assigned to the Additional Sessions Judge (Exclusive Court for Heinous Crimes against Women), Patiala, who vide order dated 3.8.2018, dismissed the same, as such he has approached this Court, craving for grant of similar relief, which prayer is being opposed by the State counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

Keeping in view the fact that accused is behind the bars for more than two months, the trial is at the initial stage and its conclusion is likely to take some time, in light of the allegations against the petitioner, who is stated to be a married person, aged about 37 years, having 4 children, I find that the petition for regular bail deserves to be accepted.

Therefore, the petition is allowed and the petitioner is directed to be released on bail on furnishing of surety bonds and personal bonds to the satisfaction of Chief Judicial Magistrate/Duty

Magistrate, Patiala, subject to the following conditions:-

- i) that the petitioner shall appear in the Court on each and every date of hearing;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- iii) that the petitioner shall not leave India without the prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

In addition to this the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial. In case the petitioner violates any term and condition on which the bail has been granted to him, this order shall be liable to be withdrawn.

11.10.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No