

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

CRM-M-40036-2018

Date of decision: 18.09.2018

Satpal Singh @ Pali Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr.Ajeet Pal Singh Pakka, Advocate,
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.30 dated 11.02.2018 under Sections 376, 363A, 34 IPC and Section 4 of Prevention of Children from Sexual Offences Act, 2012 (Section 376 changed to 376D of IPC and Section 4 changed to 5 & 6 of Prevention of Children from Sexual Offences Act, 2012 later on), registered at Police Station Maur, District Bathinda.

Learned counsel appearing on behalf of the petitioner would contend that the statement of the prosecutrix has since been recorded in which she admits to having an affair with the petitioner herein and also stated that she had accompanied him out of her own freewill. The petitioner

has been in custody since 16.02.2018 and the trial is likely to take some time to conclude as out of total 13 witnesses only one, namely, the prosecutrix has been examined. In this background, he prays for grant of bail to the petitioner.

Ms. Rajni Gupta, learned Sr. DAG, Punjab opposes the grant of regular bail while submitting that the allegations are serious in nature, however, does not dispute the factum that out of total 13 witnesses only one, namely, the prosecutrix has been examined and that she has not supported the prosecution version.

I have heard learned counsel for the parties.

In view of the fact that the petitioner herein has been incarcerated since 16.02.2018; statement of the prosecutrix has been recorded and the trial is likely to take some time to conclude as out of total 13 witnesses only one, namely, the prosecutrix has been examined and that she has not supported the prosecution version, 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.

18.09.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.