

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-41380 of 2018
Date of Decision: 25.09.2018

Gurdeep Singh

....Petitioner

VERSUS

State of Punjab and another

....Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Nandan Jindal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Amrinderjit Singh Sandhu, Advocate
for respondent no. 2.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.84 dated 13.08.2018 registered for offences punishable under Sections 377/511 of Indian Penal Code (for short, "IPC") and 4 of Protection of Children from Sexual Offences Act, 2012 at Police Station Phase-VIII, SAS Nagar Mohali.

Heard.

Learned counsel for the petitioner submits that as per statement of victim recorded under Section 164 Cr.P.C., the petitioner has not done any wrong with him. Complainant has also filed an affidavit, copy of which has been placed on file as Annexure P-2, stating therein that FIR was got recorded in undue haste and oversight.

Learned State counsel on instructions from ASI Bhupinder

Singh submits that affidavit of complainant is not with the police. However,

in his statement recorded under Section 164 Cr.P.C., the victim has denied that any wrong was done with him by the petitioner.

In view of above facts but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Gurdeep Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

September 25, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No