

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

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**CRM-M No. 47845 of 2018
Date of decision : 2.11.2018**

Nirmal Singh @ Sheru**.....Petitioner****v.****State of Punjab****.....Respondent****CORAM HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present:- Mr. S.S. Sarwara, Advocate, for the petitioner

Mr. Rakeshinder Singh Sidhu, AAG, Punjab

FATEH DEEP SINGH, J. (Oral)

The allegations against the accused-petitioner; namely Nirmal Singh @ Sheru, in this regular bail petition under Section 439 Cr.P.C., as brought to the notice of the Court, are that the present case was got registered on the statement of Gita Devi-mother of the girl, aged about 13 and a half years, wherein it has been relied that on 4.9.2018, the accused trespassed into the house of the complainant and tried to drag the girl outside, which woke up the family and thereafter, the accused managed to escape. It was further alleged that even on earlier occasions, accused has confronted the minor girl and enticed her on payment of Rs.100/-to accompany him, leading to the arrest of the petitioner on 5.9.2018.

Learned counsel for the petitioner contends that a bare perusal of the FIR does not bear out the commission of offences under Sections 354A, 354D, 451, 509 IPC or under Section 12 of the Protection of Children from Sexual Offences Act, 2012 and a false case has been registered against him.

Learned State counsel, on instructions from ASI Baljit Singh,

Police Station Ghanaur, District Patiala, has opposed the grant of bail to the petitioner on the grounds that the accused a grown up boy has sought to entice the girl for an immoral purposes and in view of the heinousness of the offence and seriousness of the allegations, he does not deserve the grant of bail.

After going through the submissions and from the bare perusal of the FIR, a debatable issue has arisen over the applicability of the offences, upon which the FIR has been registered. The petitioner is in custody since 5.9.2018 and investigation and trial are not likely to be concluded in near future. The culpability of the crime has to be seen at the time of trial. No useful purpose would be served by keeping the petitioner behind the bars. Therefore, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of CJM/trial Court.

(FATEH DEEP SINGH)
JUDGE

2.11.2018
Ashwani

Speaking/Reasoned	Yes/No
Reportable	Yes/No