

In the High Court of Punjab and Haryana at Chandigarh

1. Crl. Misc. No. M-4845 of 2018
Date of Decision: 27.2.2018

Sukhwinder SinghPetitioner

Versus

State of PunjabRespondent

2. Crl. Misc. No. M-4877 of 2018

Harjinder Singh alias Harjinder Singh SarpanchPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. S.S.Swaich, Advocate
for the petitioners.

Mr. K.S.Aulakh, DAG, Punjab.

ANITA CHAUDHRY, J

Two separate petitions have been filed seeking regular bail in FIR No. 213 dated 8.10.2016 registered at Police Station Civil Lines, Patiala, District Patiala under Sections 363, 366, 376, 376-D, 205, 328, 342, 323, 506, 120-B, 511, 109 IPC and Section 3, 4, 6, 17, 18 of POCSO Act (Section 376-D, 205, 342, 511, 109 IPC and Section 3, 4, 6, 17, 18 of POCSE Act were added later on).

Petitioners are in custody since December 2016.

On the last date, the case had been adjourned so that the victim could make her statement. Copy of the statements have been produced on record which show that the only allegations made against the petitioner were that they had given her a beating and an attempt was made by them to molest her. The cross-examination was deferred as the witness had stated that she had got tired. The allegations against the petitioner were made in the cross-examination effected by the State after the witness was turned hostile. No allegation of rape had been levelled against the petitioners.

Counsel for the petitioners informs that Harjinder Singh was a friend of other accused and had come from abroad and he undertakes that he would not leave the country without the permission of the Court.

State counsel submits that statement of the prosecutrix is yet to be completed and the bail be considered after the examination was completed.

The case had been adjourned earlier to enable the victim to record her statement. The examination-in-chief was recorded but the victim herself sought an adjournment. The reasons can well be understood. The examination-in-chief is over and there are no allegations of rape against the petitioners

Without commenting anything on the merits of the case and considering the fact that the trial will take time to conclude, both the petitions are allowed and the petitioners are ordered to be released on bail on his furnishing surety and adequate bonds to the satisfaction of the trial Court/Duty Magistrate.

Petitioner-Harjinder Singh would deposit his passport with the

Court. He can leave the country only after taking prior permission from the trial Court.

(ANITA CHAUDHRY)
JUDGE

February 27, 2018
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No