

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

220

CRM-M-14390-2019

Date of Decision:16.09.2019

Gurlal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Ashok Paul Batra, Advocate,
for the petitioner.**

Mr. Saurav Khurana, DAG, Punjab.

**Mr. Gurinder Singh Hayer, Advocate,
for the complainant.**

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.0158 dated 26.09.2018 under Sections 354-A, 354-B, 452 IPC (the offences under Sections 7 & 8 of the POCSO Act were added later on), registered at Police Station Sadar Sri Muktsar Sahib.

Power of attorney filed on behalf of the complainant today in the Court, is taken on record.

Learned counsel for the petitioner states that there is no allegation against the petitioner for sexual assault. The allegation against the petitioner is that he has only touched the prosecutrix and forced her to remove her clothes. When she has raised alarm, the petitioner has fled away. Petitioner is in custody since 15.12.2018. The prosecutrix has already been examined and trial in the case is not likely to be concluded in the near future.

Learned State Counsel, on instructions from ASI Gurmail

Singh, submits that the case is now fixed for 19.09.2019 before the trial

Court and there is no other case against him. As against total 14 witnesses cited by the prosecution, only 06 witnesses have been examined in the case.

Heard learned counsel for the parties.

The allegation against the petitioner is that when the prosecutrix was alone in her house, petitioner started touching her and fiddling with her private body parts. He started using force to remove her clothes. Petitioner is in custody since 15.12.2018 and trial in the case is not likely to be concluded in the near future as against total 14 witnesses cited by the prosecution, only 06 witnesses have been examined so far. Moreover, the prosecutrix has been examined in the case. Therefore, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case. The trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

September 16, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No