

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM M-14928 of 2019
Date of Decision: April 05, 2019

Firoz Khan

.... *Petitioner*

Versus

State of Punjab

... *Respondents*

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sandeep Singh Brar, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab

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 case FIR No. 122, dated 31.12.2018, under Sections 354-A, 506, 34 IPC and subsequently added Section 4 of the Protection of Children from Sexual Offences (POCSO) Act, registered at Police Station Bhadson, District Patiala.

Learned counsel for the petitioner states that petitioner is in custody since 05.01.2019. The incident occurred on 30.12.2018, whereas FIR was registered on 31.12.2018. Learned counsel argued that co-accused Johny Khan has already been admitted on bail by the learned Addl. Sessions Judge, Patiala vide order dated 01.02.2019. The allegation against the petitioner that he was in drunken condition is liable to be ignored as no medical was conducted. The trial in the case will take long time, as no prosecution witness has been examined in the case so far.

Learned State counsel, on instructions from ASI Parwinder

Singh, states that so far as the concession of bail to other co-accused Johnny Khan is concerned, there is no such allegation against him that he ever touched the body of the prosecutrix from her back side. The allegation against the petitioner being serious, he is not entitled for bail.

I have heard learned counsel for the parties.

The petitioner is in custody since 05.01.2019. Challan in this case has already been presented. Co-accused Johnny Khan has already been admitted on bail. So far as the allegation that petitioner was in drunken condition is concerned, no medical was conducted on the person of the petitioner-accused and this fact could be established during trial only. The trial Court will take long time to conclude the trial. Therefore, this Court deem it appropriate to admit the petitioner on regular 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 the trial Court.

However, it is made clear that till the complainant is examined in the case, the petitioner shall not stay in the village in which the prosecutrix is residing. The SHO concerned shall ensure that the petitioner does not influence or extend threat to any witnesses. The observations made herein above are for the limited purpose i.e. for consideration of bail application only.

April 05, 2019

vkd

(Hari Pal Verma)

Judge

Whether speaking / reasoned : Yes / No

Whether reportable : Yes / No