

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-19248-2019

Date of Decision:22.07.2019

Jatinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Darbara Singh and
Mr. Ranjivan Singh, Advocates,
for the petitioner.

Mr. Harpreet Singh Multani, AAG, 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 FIR No.44 dated 07.03.2019 under Sections 354, 506 IPC and Sections 7 & 8 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station City Rupnagar, District Rupnagar.

Learned counsel for the petitioner states that the allegation against the petitioner is that on 22.02.2019 at about 3 PM, when the prosecutrix was going to the dairy to bring milk as usual, the petitioner was sitting on the platform constructed for village elders. His car was parked nearby. He hold the hand of the prosecutrix from her wrist and tried to push her inside the car. The prosecutrix escaped from his uncivilized activity and fled from the site of incident. The said incident was disclosed by the

prosecutrix to her mother. Thereafter, Panchayat meeting was held. Still the petitioner threatened to kill the prosecutrix and her family members. Learned counsel for the petitioner has argued that the allegations made in the FIR are false. Petitioner is in custody since 09.03.2019. He refers to the statement of the prosecutrix examined in the case, wherein she has specifically stated that the petitioner had given a complaint to the police against her and her mother on 07.03.2019 and it is for this reason, the present FIR was registered against him. He further states that as per his information, mother of the complainant has supported the statement of the prosecutrix that the petitioner has made a complaint to the police.

Learned State Counsel, on instructions from ASI Jarnail Singh, does not dispute the custody period. However, he states that as per police record, no such complaint has been received in the Police Station purportedly submitted by the petitioner against the prosecutrix and her mother.

Heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 09.03.2019 and there is recital in the statement of the prosecutrix that the petitioner has made a complaint to the police against her and her mother on 07.03.2019, noticing the fact that the aforesaid FIR was registered on 07.03.2019 itself, culpability of the petitioner is yet to be established and trial in the case is not likely to be concluded in the near future, 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, the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

The petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner.

July 22, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No