

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRM-M-49768-2018

Date of Decision:22.05.2019

Deepak Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Sandeep Verma, Advocate,
for the petitioner.

Mr. Jagmohan Ghumman, D.A.G., 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.93 dated 24.06.2018 under Sections 363, 366-A, 34 IPC, registered at Police Station City Kotkapura, District Faridkot.

The aforesaid FIR was registered at the behest of Rajinder Singh, father of the prosecutrix with the allegation that the petitioner has enticed away his minor daughter on the pretext of marriage. The victim is 15 years old and is a student of 9th class, whereas the petitioner was working as a driver with the school bus in which the prosecutrix used to go to school. The petitioner used to tease and harass the prosecutrix and this fact was brought to the notice of the parents of the petitioner, but still he did not mend his ways. On 22.06.2018 when all the family members were sleeping

in the house, at about 3 AM, it has come to the notice of the complainant

that his daughter is not in the house. Therefore, search was made but her whereabouts could not be known. Thus, apprehension was shown that the petitioner is the person who with the help of his relatives and friends, enticed the victim on the false pretext of marriage.

Learned counsel for the petitioner has argued that the petitioner is in custody since 26.06.2018 and trial in the case will take sufficient long time. There is no allegation against the petitioner that he has ever sexually exploited the victim.

Learned State Counsel does not dispute the custody. However, he states that after completion of investigation, challan has been presented and the charges have been framed and as against total 19 witnesses cited by the prosecution, only 03 witnesses have been examined.

Heard learned counsel for the parties.

This Court finds that trial in the case will take sufficient long time as against total 19 witnesses cited by the prosecution, only 03 witnesses have been examined so far. Petitioner is in custody since 26.06.2018. Therefore, this Court finds that the petitioner deserves to be admitted 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.

It is made clear that the petitioner shall not contact the victim or her family members directly or indirectly in any manner. He shall not extend any threat and shall not try to influence any prosecution witnesses. The petitioner shall inform the police about his mobile numbers which he would be using during the period of his bail. He shall not visit the locality

where the prosecutrix is residing and in case he violates any of the aforesaid conditions, the prosecution would be at liberty to seek cancellation of his bail in the case.

Present is a case of a school bus driver, who is an accused for enticing away a minor girl student of the school who used to go in the school bus. It has come to the notice that some guidelines have been framed in the State of Haryana and Punjab, whereby at least 05 years' experience for a driver is necessary required so as to deploy such a driver on a school bus.

Accordingly, a copy of this order be forwarded to the Secretary, Transport, Punjab, to frame/implement the necessary guidelines, so that the private schools/Management deploy only such drivers, who are mature enough and have such requisite experience as it would avoid such like incidents.

The present petition stands disposed of accordingly.

May 22, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No