

229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29103-2019

Date of Decision : August 27, 2019

Gurtej Singh

Versus

State of PunjabRespondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Ranbir Singh Sekhon, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure in FIR No.105 dated 15.5.2018 for the offence punishable under Sections 377 IPC and Section 42-A of the Prisoners Act, 1894 registered at Police Station City Ferozepur, District Ferozepur.

Counsel for the petitioner submits that the petitioner was posted as a Head Warder in Central Jail, Ferozepur, where the victim was lodged as under-trial in a case. He further submits that as per the allegations levelled in the FIR, the petitioner forced Gurpreet Singh to have oral sex with him.

Counsel for the petitioner further submits that the petitioner is in custody since 26.4.2019 and the complainant has given an affidavit that the petitioner has not forced him for physical relations and has no objection if the petitioner is granted bail and also if the case is cancelled.

Learned State counsel on instructions from Raman Kumar and on the basis of the custody certificate dated 16.7.2019 has not disputed the factual position and submitted that the challan has been presented.

Without commenting anything on merits of the case, considering the fact that the challan has been presented; the petitioner is in custody for the last more than four months and in view of the affidavit given by the complainant, this petition is allowed and the petitioner is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

**(ARVIND SINGH SANGWAN)
JUDGE**

August 27, 2019
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