

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

CRM-M-44162-2019 (O&M)
Date of Decision:- 22.10.2019

Sukhdev Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. J.S.Dhaliwal, Advocate for the petitioner.

Ms. Rashmi Attri, AAG, Punjab
assisted by AS.I. Gurpreet Singh.

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of regular bail in a case registered against him vide FIR No.40 dated 26.2.2019 under Sections 354/365-B IPC and Section 12 of POCSO Act at Police Station City Rajpura, District Patiala.
2. The FIR was registered at the instance of Manjit Kaur wherein it has been alleged that on 25.2.2019, she along with her husband had gone out for work and her sons had gone to their maternal grandmother's house and her daughter i.e. the victim was alone at the house. When the complainant returned back from work at about 6 p.m., she found her daughter was crying and upon enquiries, she disclosed that Sukhdev Baba, owner of the house, had come to her room and bolted the door of her room and asked her to remove her shirt and it was in the meantime that her aunt came, upon which Sukhdev Singh fled from the spot.

3. The learned counsel for the petitioner has submitted that the petitioner is aged about 70 years and has been falsely implicated mainly on the ground that there is a dispute between the landlord and the tenant and the petitioner happens to be landlord of the premises, which has been let out to the complainant.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made out. It has, however, been informed that the petitioner has been behind bars since the last about 7 months and 24 days and that challan has already stand presented.
5. Having regard to the aforesaid facts and circumstances of the case and while bearing in mind the age of the petitioner and also the custody period of 7 months and 24 days, in my opinion, further detention of the petitioner would not serve any useful purpose as the conclusion of trial is likely to consume time.
6. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. At this stage, it has been informed that there is some clerical error in heading and prayer of the petition wherein offence under Section 365-B has been mentioned instead of Section 354-B. It is clarified that the aforesaid order is being passed in respect of FIR No.40 dated 26.2.2019 under Sections

354/354-B IPC and Section 12 of POCSO Act at Police Station City
Rajpura, District Patiala.

22.10.2019
kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No