

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CRM-M-48595-2019

Date of Decision:21.11.2019

Sukhraj Singh @ Gori

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Mohit Rampal, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, 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.152 dated 22.08.2019 under Sections 354, 341, 506 IPC (the offences under Sections 354-A, 354-D IPC were added later on) and Section 12 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Ajnala, District Amritsar Rural.

Learned counsel for the petitioner has argued that earlier FIR No.21 dated 28.03.2017 under Sections 354-A, 354-D IPC and Sections 4 & 8 of the POCSO Act, 2012, Police Station Jhander was registered against the petitioner. However, in that FIR, the petitioner was acquitted during trial as the prosecutrix has failed to identify the petitioner in that case and did not depose anything against him. Since father of the prosecutrix has not reconciled it and was extending threat to the petitioner, a complaint was

submitted by the father of the petitioner against Om Parkash, father of the prosecutrix and in that case when the police has come to inquire into the matter, Om Parkash and his son had scuffled with the police which led to the registration of FIR No.45 dated 21.04.2019 under Sections 353, 186, 332, 506 IPC, Police Station Jhander against Om Parkash and his son Anhad. It is for this reason, the present FIR was registered against the petitioner. He is in custody since 26.08.2019. Moreover, the alleged incident has occurred on 06.08.2019, whereas FIR in the case was registered on 22.08.2019. Therefore, there is an inordinate delay in lodging the FIR. The allegation against the petitioner is that he has tried to obstruct the way of the prosecutrix forcibly and has done obscene acts.

Learned State Counsel, on instructions from ASI Baldev Singh, states that the petitioner is in the habit of creating obscene activities with the prosecutrix. Merely because he has been acquitted in FIR No.21 dated 28.03.2017, does not mean that the present FIR has been registered against him falsely. However, he does not dispute the custody period.

Heard learned counsel for the parties.

Initially, the FIR was registered under Sections 354, 341, 506 IPC and Section 12 of the POCSO Act. Thereafter, offence under Sections 354-A, 354-D IPC were added later on. Admittedly, the alleged incident has taken place on 06.08.2019, whereas the present FIR has been registered on 22.08.2019. Thus, there is inordinate delay in getting the FIR registered. The petitioner is in custody since 26.08.2019 and trial in the case is not likely to be concluded in the near future, therefore, 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 his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that 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.

November 21, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No