

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-13652-2020(O&M)

Date of Decision: 15.06.2020

SURJEET SINGH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gurjot Singh Sadhrao, Advocate,
for the petitioner.
Mr. Deepak Sabharwal, Addl. A.G. Haryana

ANIL KSHETARPAL, J (Oral)

Present petition has been filed by the petitioner, namely, Surjeet Singh, under Section 439 Cr.P.C. for grant of regular bail in FIR No.54, dated 17.08.2019, registered under Sections 354-A, 452 IPC, Section 8 of the Prevention of Children from Sexual Offence Act, 2012 and Section 3(1) (w) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Women Dabwali, District Sirsa, Haryana.

The gist of the case of the prosecution has been noticed by the learned Additional Sessions Judge, Sirsa, in paragraph 2 of the order, which is extracted as under:-

“ According to the prosecution, the complainant/victim studies in 10th standard. They are three siblings. The complainant/victim is at second number. The father of the complainant had expired about 12 years back. Her mother does house-hold work. During the night of 14/15.08.2019 at about 2/2.30 AM, when the complainant was sleeping in the court-yard of her house, then the applicant-accused entered the house of the complainant and lay with the complainant on a cot. The complainant suddenly woke up and raised alarm. Her mother who was sleeping on another cot also woke up. The applicant-accused caught hold of her tightly. When the mother of the complainant woke up, the applicant-accused fled away from the spot. ”

Hearing of the case was held through video conferencing on

account of restricted functioning of the Courts.

Learned counsel for the petitioner contended that there is a delay of 3 days in registration of the FIR. As per the medico legal report, the prosecutrix did not suffer any injury. The police on completion of the investigation has already presented final report and charges have been framed. He further submitted that conclusion of the trial is likely to take time as only 2 witnesses have been examined by the prosecution out of total 13 proposed to be examined.

On the other hand, learned counsel for the State has submitted that the allegations against the petitioner are serious.

The petitioner is in judicial custody since 18.08.2019. There is likelihood of delay in conclusion of the trial.

Keeping in view the facts of the case, this Court is of the considered view that further incarceration of the petitioner, at this stage shall not be justified.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in judicial custody since 18.08.2019 and conclusion of the trial is likely to take some time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly, the present petition is allowed with the aforesaid directions.

(ANIL KSHETARPAL)
JUDGE

June 15, 2020
“nt”

Whether speaking/reasoned :Yes/No
Whether reportable : Yes/No