

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.18750 of 2020
Date of Decision:31.07.2020

JATINDER SINGH

...Petitioner

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. G.S.Hayer, Advocate
for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.119 dated 24.11.2019 registered under Sections 354-D IPC, 1860 and Section 8 of POCSO Act, 2012 (charges have been framed under Section 12 of POSCO Act, 2012) at Police Station Sadar Moga, District_Moga.

The case of the prosecution is that on 23.11.2019 the daughter of the complainant was coming on a tempo traveler. The petitioner along with Satnam Singh @ Satta were also going on a motorcycle. Satnam Singh tried to give his mobile number on a slip to the daughter of the complainant which she refused to accept. On refusal of the same Satnam Singh threw the slip on the tempo traveler. Thereafter Satnam Singh and the petitioner followed the daughter of the complainant to her village. Later, when the

matter was sought to be resolved through the Panchayat, Satnam Singh argued with the complainant.

Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case; he is a young man aged 23 years; he is in custody since 25.11.2019; there is no other criminal case in which he is involved; through order dated 17.07.2020, passed in CRM-M-14374-2020 his co-accused namely Satnam Singh @ Satta has already been granted regular bail by this Court; the charges have already been framed against the petitioner and therefore the petitioner cannot tamper with the collection of evidence by the prosecution and that the trial is likely to take a long time to conclude as till date no prosecution witness has been examined

Learned State counsel does not dispute the above factual position but opposes the grant of bail .

In view of the fact that the petitioner is in custody since 25.11.2019; there is no other criminal case in which he is involved; his co-accused namely Satnam Singh @ Satta has already been granted regular bail; charges have already been framed against the petitioner and therefore the petitioner cannot tamper with the collection of evidence by the prosecution and the trial is likely to take a long time to conclude as till date no prosecution witness has been examined, this Court is of the opinion that no useful purpose would be served in further incarceration of the petitioner.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Moga, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only

for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

July 31, 2020

(DEEPAK SIBAL)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No