

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

207

**CRM-M-18776-2020
Decided on : 18.09.2020**

Tarlok Singh @ Toka

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Amritpal Singh Gill, Advocate for the petitioner.

Mr. H.S. Sullar, DAG, Punjab.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner seeks regular bail in a petition filed under Section 439 Cr.P.C. in FIR No. 68 dated 12.06.2019 under Sections 354, 323, 506, 452, 201 IPC and Section 9 (M), 10 of POCSO Act, 2012 registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

The FIR was lodged by the victim who was around 12 years of age at the time of incident. As per the allegations the petitioner who is neighbourer of the complainant alongwith one Vijay Pal Singh @ Kali @ Kocha Singh came into courtyard of the house and tried to pull her into the bathroom. On account of her brother coming out of his room and raising noise, he had run out of the house as the father of the complainant had also reached back home. The shirt of the victim had been torn from the arms in the process and he had tried to close her mouth.

The bail application has been rejected by the Additional Sessions Judge on 01.10.2019 (Annexure P-2), on the ground that the petitioner would threaten the victim and the trial is likely to be concluded.

Counsel has now points out that the petitioner is in custody for more than 1 year and 2 months and only two witnesses out of the 18

prosecution witnesses have been examined and a year has passed since bail had been declined. It is submitted that appropriate conditions can be imposed upon the petitioner, so that he does not threaten or coerce the victim or the family in any manner.

It is submitted that on an earlier occasion he was convicted under Section 457 in FIR No.97 dated 13.11.2012 when he was minor and has undergone sentence. The trial is going on in FIR No.61 dated 21.05.2018 and he is not likely to abscond.

Keeping in view the period of detention as such and the allegations against the petitioner, this Court is of the opinion that he is entitled for the benefit of regular bail, as the trial has already been prolonged and is likely to prolong further due to pandemic situation of Covid-19.

Accordingly, the petition is allowed and the petitioner is directed to be released on bail to the satisfaction of Duty Magistrate/Illaq Magistrate, Sri Muktsar Sahib.

It is, however, made clear that in case he or his agents threaten the victim or coerce the family members in any manner, it will be open to the State or to the complainant to file appropriate application for the cancellation of his bail.

(G.S. SANDHAWALIA)
JUDGE

September 18, 2020
Naveen

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No