

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

CRM-M-54664-2018 (O&M)
Decided on : 05.02.2020

Harpal Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. R.S.Rai, Sr. Advocate with
Ms. Amanpreet Kaur, Advocate
for the petitioner.

Ms. Devaki Anand Sullar, AAG, Punjab.

Manjari Nehru Kaul, J.

CRM-35779-2019

Application is allowed as prayed for and the statements
(Annexures P-2 to P-4) are taken on record subject to all just exceptions.

Main case

Instant petition has been filed under Section 439 Cr.PC for
grant of regular bail to the petitioner in case FIR No.376 dated 19.11.2018
registered under Sections 354 IPC and Section 3 of POCSO Act at Police
Station Division No.5, District Ludhiana.

Learned counsel for the petitioner contends that a perusal of the
allegations levelled in the FIR in question clearly reveals that the
ingredients to attract the mischief of Section 354 IPC and Section 3 of
POCSO Act are not made out, which would give rise to any criminal
offence. It has further been contended that the petitioner is 60 years old
man and is behind bars since 19.11.2018. Hence, no useful purpose would
be served by keeping the petitioner behind bars.

On the other hand, learned State counsel while opposing the grant of regular bail to the petitioner, submits that there are serious and grave allegations against the petitioner, which do not entitle him for concession of regular bail, however, she concedes that only 4 out of 15 prosecution witnesses have been examined so far.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is behind bars since 19.11.2018, the trial is unlikely to conclude in the near future, no useful purpose would be served by keeping the petitioner in custody. In the circumstances, present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial court/Duty Magistrate concerned.

(MANJARI NEHRU KAUL)
JUDGE

05.02.2020

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No