

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

CRM-M No.23268 of 2021 (O&M)

Date of Decision:08.09.2021

(Heard through VC)

Dalwinder Singh @ Davinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sunny K.Singla, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.29 dated 14.03.2021 under Sections 323, 363, 354 IPC and Section 10 of the POCSO Act registered at Police Station Kiratpur Sahib, District Rupnagar.

Counsel for the petitioner would contend that allegations in the FIR are patently false on account of political rivalry between the parties. It is further contended that the matter stands investigated and challan has been presented and therefore, custody of the petitioner would no longer be required. The petitioner herein is in custody since 14.03.2021 and the trial is likely to take some time to conclude, thus, prays for concession of bail to the petitioner.

Counsel for the respondent-State opposes grant of bail to the petitioner by contending that the victim i.e. daughter of the complainant is

only 6 years old and there are reddish abrasions and scratch marks on the left side of face along with clotted blood present and that the same statement has been given by the victim under Section 164 Cr.P.C.

Whereas, counsel for the petitioner would contend that the allegations against the petitioner are of having kissed the minor girl which would not lead to any abrasion or scratches or clotting of blood.

I have heard counsel for the parties and in view of the fact that the matter stands investigated and challan has been presented and the fact that trial is likely to take some time to conclude, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of personal/surety bond of Rs.50,000/- each to the satisfaction of concerned trial Court/Duty Magistrate with a condition that the petitioner would not make any attempt to contact the victim or her family members in any manner whatsoever. However, any observation made herein shall not be construed to be an expression on merits of the case.

September 08, 2021
P.Bhatt

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No