

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

CRM-M-27326-2020 (O&M)

Date of decision: 12.03.2021

Malkeet Singh

.....Petitioner.

vs.

State of Punjab

.....Respondent.

CORAM: - HON'BLE MR. JUSTICE HARI PAL VERMA

Present: - Mr. Manpreet Singh Dua, Advocate,
for the petitioner.

Mr. Randhir Singh Thind, Deputy Advocate
General, Punjab.

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HARI PAL VERMA, J. (ORAL)

CRM-3715-2021

Application is allowed. Medical Report dated
30.01.2021 of the petitioner is taken on record as Annexure P-3.

CRM-M-27326-2020

Affidavit of custody and reply by way of affidavit of
Manjit Singh Sidhu, Superintendent Central Jail, Bathinda, dated
12.03.2021 are taken on record.

Prayer in the present petition filed under Section 439
Cr.P.C. is for grant of regular bail to the petitioner, pending trial,
in case FIR No.100 dated 25.05.2020 under Sections 354-A of
IPC, Section 8 of the POCSO Act, 2012 and Section 3(11) of the
SC and ST (Prevention of Atrocities) Act, registered at police

Learned counsel for the petitioner submits that apart from the fact the petitioner is in custody since 10.07.2020, there is no allegation against the petitioner so as to invoke the offence under the SC and ST Act. The petitioner has been framed in the case, despite the fact that he is an old person of 56 years of age. The trial will take sufficient long time and the prosecutrix has also not been examined.

Learned State counsel does not dispute the custody of the petitioner and submits that the victim is the case in the minor girl and the allegations against the petitioner are serious in nature.

I have heard learned counsel for the parties.

The allegations against the petitioner is that the petitioner, who is the neighbour of the prosecutrix, had gone to her house. He sent brother and sister of the prosecutrix out of their home and entered the bedroom behind her. He started touching on her backside and caught her and touched her inappropriately. No witness has been examined in this case.

The petitioner has placed reliance upon the medical status report (Annexure P-3) dated 30.01.2021 so as to contend that the petitioner has a serious complaint as blood in his stool is found present. Such medical status report is assessed by Medical Officer, Central Jail Bathinda.

The petitioner is in custody since 10.07.2020. Considering the medical status report, so attached with the reply /status report of Superintendent, Central Jail, Bathinda (Annexrue R-1), regarding the medical condition of the petitioner and the nature of the allegations so made against the petitioner, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate. However, the petitioner shall not stay in the same village till the prosecutrix is examined in this case.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

12.03.2021
preeti
whether speaking/non speaking yes/no
whether reportable/non reportable yes/no