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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(Through Video Conferencing)

CRM-M-34989-2020 (O&M)

Date of Decision: 19.08.2021

SUKHDEV SINGH @ SHEGO

.....Petitioner

V/s.

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. Dilpreet Singh Gandhi, Advocate,
 for the petitioner.

Mr. Luvinder Sofat, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

CRM-25722-2021

Application is allowed as prayed for.

CRM-M-34989-2020

This is the first petition filed under Section 439 of the Code of Criminal Procedure for grant of concession of regular bail to the petitioner in case FIR No.136 dated 02.09.2019 lodged under Section 363, 366A, 376D, 342 and 120-B of the Indian Penal Code, 1860 and Section 10(g) of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Kartarpur, District Jalandhar, Punjab.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the case in hand which is evident from the fact that both the material witnesses i.e. complainant (mother of the prosecutrix) and the prosecutrix, did not support the case of the prosecution and as a result of which they were declared hostile. He further submits that even otherwise the only allegation levelled against the

petitioner is that he encouraged the co-accused to establish physical relations with the prosecutrix. He has submitted that the petitioner has been in custody since 22.09.2019 and hence, there is no likelihood of the trial concluding in the near future as 11 more prosecution witnesses remained to be examined.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Kabal Singh, has not been able to controvert the factual aspect of the submissions made by the learned counsel for the petitioner. She has further conceded that two material witnesses i.e. prosecutrix and the complainant (mother of the prosecutrix) did not support the case of the prosecution and were declared hostile.

Heard.

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner has been in custody since 22.09.2019, the trial is unlikely to conclude in the near future, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 19, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No