

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-41520-2021

DATE OF DECISION: NOVEMBER 17, 2021

PARDEEP SINGH @ BUNTY

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. N.S. DANDIWAL, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SINGH SANDHU, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.27 dated 7.2.2020, under Section 377, 506 IPC and Section 6 POCSO Act, Police Station City Moga, District Moga, who is in custody since his arrest on 22.2.2020.

The FIR was registered on the statement of Jagsir Singh dated 7.2.2020, wherein he stated that his brother-in-law used to work at Gurudwara Bibi Inderjeet Kaur Rab Nagar, Moga. On his getting ill, his nephew aged 14 years started working in his place with Granthi Davinder Singh. Granthi Davinder Singh and Pardeep Singh @ Bunti who used to reside together in a residential room of Gurudwara Sahib exploited his nephew sexually for the past two months and issued threats to him. On dated 5.2.2020, at 4.00 p.m. when both Davinder Singh and Pardeep Singh were busy, his nephew escaped from Gurudwara and met him and told about the said incident. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that the FIR was

lodged by the complainant who is the uncle of the victim and the allegations are primarily against co-accused Davinder Singh who has been released on regular bail vide order dated 1.9.2021 (Annexure P-4). He has further drawn the attention of the Court to the deposition of victim PW3 and submitted that the said witness was declared hostile. According to him, the trial is likely to consume considerable time, therefore, the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by HC Kanwaljit Singh has opposed the aforesaid prayer who submits that the complainant who is the uncle of the victim has supported the prosecution case, however, it is not disputed that the material witness have already been examined and the co-accused of the petitioner is on regular bail. He, on instructions, further states that in all there are 18 prosecution witnesses out of which 5 have been examined and the case is fixed for today before the trial Court.

Considering the above background, custody of the petitioner and the fact that material witnesses have already been examined, therefore, the petitioner also deserves similar concession which has been extended to his co-accused. As the trial of the case is likely to consume considerable time to conclude, therefore, this Court is of the opinion that further detention of the petitioner behind the bars may not be necessary for any useful purpose who is presently confined in judicial custody after his arrest on 22.2.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

November 17, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No