

CRM-M-44208-2020

Date of Decision: 22.9.2021

Jaspreet Singh alias Kaka

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Satish Chaudhary, Advocate, for the petitioner.

Mr. M.S. Nagra, Assistant Advocate General, Punjab.

Rajesh Bhardwaj, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.81 dated 25.6.2020 under Sections 354-A IPC and Section 12 of the POCSO Act, 2012 registered at Police Station Bhadson, District Patiala.

It has been contended by learned counsel for the petitioner that the petitioner is behind bars since 25.6.2020. He submits that no offence as alleged has been made out against the petitioner as the FIR is based on the exaggerated version. He submits that the FIR has been registered by the mother of the victim and it was alleged that she was away to the fields when in her absence the petitioner committed offence as alleged. As the age of the victim is 11 years, the present FIR was lodged and the petitioner was arrested. He further submits that the occurrence in question took place on 21.6.2020, whereas the present FIR was registered on 25.6.2020, which shows that same has been registered after due deliberations only to falsely

implicate the petitioner. He submits that the petitioner has impeccable record and he has never been involved in any of such cases earlier. Learned counsel for the petitioner has vehemently argued that the even if the case of the prosecution is accepted as gospel truth, even then maximum sentence under Section 12 of the POCSO, 2012 is 3 years, whereas the petitioner has already suffered incarceration of about 15 months. Hence, he prays that the petitioner deserves the concession of bail.

Learned State counsel though opposes the submissions made by learned counsel for the petitioner, however, submits that the investigation is now complete and the challan is already presented. He further submits that the charges have also been framed on 23.2.2021. Now the case is fixed for evidence for 14.10.2021.

I have heard learned counsel for the parties.

The trial would take some time to conclude. In the overall facts and circumstances, I am of the opinion that learned counsel for the petitioner succeeds in making out a case for bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

22.9.2021

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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No