

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

210

**CRM-M-49572-2021  
Date of Decision : 07.12.2021**

**Gursewak Singh****...Petitioner**

**Versus**

**State of Punjab****...Respondent**

**(Through Video Conferencing)**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Jagjit Pal Singh Sarao, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

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**Harsimran Singh Sethi, J. (Oral**

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.107 dated 04.12.2019 registered under Sections 354-D, 379 and 506 of the IPC (Sections 411, 201, 380 and 454 of the IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012 added later on) at Police Station Kheri Gandian, District Patiala.

Learned counsel for the petitioner argues that in the present FIR, Section 12 of the Protection of Children from Sexual Offences Act, 2012 has been invoked only on the ground that there are allegation of stalking the prosecutrix against the petitioner. Learned counsel for the petitioner submits that those allegations are yet to be proved during the course of trial and as the complainant as well as prosecutrix have already

been examined and trial is likely to take some time before it concludes, no useful purpose will be achieved by keeping in the petitioner behind the bars especially, when he is already behind the bars since 22.02.2020 and, therefore, he may kindly be extended the benefit of regular bail.

Learned State counsel on the other hand submits that it is clear that the allegations against the petitioner are of stalking the minor daughter of the complainant and with regard to taking of cash as well as gold ornaments, which allegations are serious enough so as to deny the petitioner the benefit of regular bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstance of this case that the allegations alleged against the petitioner are yet to prove during the course of trial and the complainant as well as prosecutrix have already been examined and the trial is likely to take some time before it concludes, no useful purpose will be achieved by keeping the petitioner behind the bars, especially, when learned counsel for the petitioner undertakes that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded, in any manner. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the

case.

December 07, 2021  
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(HARSIMRAN SINGH SETHI)  
JUDGE

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No