

CRM-M-1458 of 2022

{1}

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CRM-M-1458 of 2022

Date of decision:23.08.2022

Kulwant Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Balbir Kumar Saini, Advocate
for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 439 Cr.P.C., seeking grant of regular bail to the petitioner in case FIR No.99 dated 22.09.2021 registered under Sections 363, 366-A, 376, 120-B of Indian Penal Code, 1860 and Section 4 of Protection of Children from Sexual Offences Act, 2012 (for short “the POCSO Act”) at Police Station Ghanaur, District Patiala (Annexure P-1).

Criminal law has been set in motion on the basis of statement of father of a 15 year old school going girl (for short “the prosecutrix”) on the allegation that she left for school in the morning on 22.09.2021 and did not return. Despite extensive search, the complainant could not locate her. He suspects that Abhishek Kumar, who was working with his brother, has been harassing the prosecutrix and has abducted her. On enquiry, he came to know that even Abhishek Kumar is missing.

Counsel for the petitioner has contended that the petitioner is

an uncle of the main accused, Abhishek Kumar and there is no allegation of sexual assault against him. He contends that petitioner has not been named in the FIR and sole allegation against him is of financially helping the main accused, helping him to hide and making arrangements for his stay. He submits that the prosecutrix, who is the most material witness has been examined and the petitioner, who is in custody from 08.10.2021 deserves to be enlarged on bail.

Per contra, State counsel has opposed the petition and has submitted that the petitioner does not deserve to be released on bail in view of the serious nature of allegations levelled against him.

Having considered the submissions made by counsel for the parties, but without advertng to the merits or demerits of the arguments addressed, this Court is *prima facie* of the view that considering the role ascribed to the petitioner and his length of custody, he would be entitled to be released on bail.

Petition is allowed. Petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 23, 2022

savita

(SUVIR SEHGAL)

JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes