

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

222

CRM-M-6112-2022

Date of decision:12.12.2022

Vishrant @ Gora

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Prateek Sodhi, Advocate for the petitioner.

Mr. Ferry Sofat, Addl. A.G., Punjab.

SUVIR SEHGAL J. (ORAL)

This is the first petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.155, dated 07.09.2018 registered for the offences under Sections 354-D and 506 of IPC, 1860, and Section 12 of the Protection of Children from Sexual Offences Act, 2012, at Police Station Division No.5, District Police Commissionerate Jalandhar, Annexure P-1.

Case of the prosecution is that FIR, Annexure P-1, has been registered on the complaint of an uncle of a 16 year old school going girl (hereinafter referred to as “the victim”) on the allegation that Vishrant @ Gora (present petitioner) has been harassing and threatening her for the last 03-04 months. He forced her to chat with him on social media. On the intervention of the complainant, Vishrant @ Gora apologized, in writing, on 04.02.2018, but he did not mend his ways.

Counsel for the petitioner contends that the complainant as well as victim have been examined. He submits that the petitioner, who is a young man of 21 years of age, was on friendly terms with the victim. He has made a reference to the letter, Annexure P-2, allegedly sent by the victim as well as to the printouts of Instagram chat, Annexure P-3, to fortify his submission. Still further, by referring to compromise dated 21.12.2021, Annexure P-8, counsel submits that the matter was amicably settled, however, later the complainant and the victim supported the case of the prosecution in their deposition. Counsel submits that although petitioner was convicted in another criminal case vide order dated 25.01.2017, Annexure P-7, when he was a juvenile, but he was never named in the said FIR and was released on probation. Counsel submits that as the crucial prosecution witnesses have been examined, petitioner, who is in custody since 15.12.2021, deserves to be enlarged on bail.

Per Contra, learned State counsel, upon instructions from ASI Vipin Kumar, has opposed the petition. He has made a reference to the status report to submit that the petitioner was declared as a Proclaimed Offender vide order dated 27.01.2021 and was arrested on 15.12.2021 as a result of which the trial got delayed. As per his instructions, 08 more prosecution witnesses are to be examined.

Having considered the submissions made by counsel for the parties, this Court is *prima facie* of the view that the role ascribed to the petitioner shall remain controvertible before the trial court. Petitioner, who is in custody for the last almost 01 year, would be entitled to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

Without adverting to the merits or de-merits of the arguments addressed, petition is allowed. Petitioner is ordered to be enlarged on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

The Court concerned, shall impose any other condition, it deems appropriate so as to ensure that the petitioner does not commit any default in future.

While being released on bail, the petitioner will also furnish an undertaking by way of an affidavit to the Trial Court/Duty Magistrate to the effect that he will not directly or indirectly contact or meet the victim or her family members or cause any harm or threaten them physically, electronically or by any other means during the pendency of the proceedings arising out of the FIR, Annexure P-1.

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

12.12.2022
sheetal

(SUVIR SEHGAL)
JUDGE

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