

AMARJEET SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vishneet Singh Kathpal, Advocate for the petitioner.
Ms. Ruchika Sabherwal, AAG Punjab.

* * *

VIVEK PURI, J. (ORAL)

Custody certificate and reply by way of affidavit of Jora Singh, Deputy Superintendent of Police, Sub Division Fazilka has been taken on record.

The petitioner is seeking regular bail in case bearing FIR No. 211 dated 28.08.2019 under Sections 354-A, 354-B, 354-D, 506, 458 IPC and Section 10 of POCSO Act, registered at Police Station Sadar Fazilka, District Fazilka.

Briefly, the allegations against the petitioner are to the effect that he had been stalking the victim, aged about 14½ years and compelling her to establish illicit relations with him. On 14.08.2019, at about 2:00 A.M., the petitioner committed trespass in the house by scaling the boundary wall and started touching the victim inappropriately while she was sleeping. The victim tried to save herself. The other family members also woke up. The petitioner took out a kirch from the dub of his pent and threatened the family members. He ran away by scaling the wall and while running kirch and chappal fell at the spot.

Learned counsel for the petitioner contends that the petitioner

is in custody for a period of 1 year, 5 months and 19 days and not involved in any other case. Furthermore, the statement of the victim during the course of trial has also been recorded.

Learned State counsel, on instructions of ASI Piara Singh, has not assailed the factual aspect of the case but has opposed the bail application on the score that the victim was aged about 14½ years at the time of occurrence.

Be that as it may, the petitioner is in custody for a period of about 1½ years and not involved in any other case. Furthermore, the statement of the victim has already been recorded. It has not been disputed that only 1 out of 16 witnesses has been examined so far.

The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

20.05.2022

Janki

(VIVEK PURI)
JUDGE

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