

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

243

CRM-M-16939-2021

Date of decision:21.12.2022

Lovepreet Singh @ Karam

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Shivam Joshi, Advocate for the petitioner.

Mr. Jashanpreet Singh, DAG, 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.130, dated 27.07.2020 registered for the offences under Sections 354, 295 of IPC, 1860, and Section 08 of the Protection of Children from Sexual Offences Act, 2012, (for short “POCSO Act”) and Section 376 of IPC and Section 04 of the POCSO Act (were added later on vide DDR No.18 dated 02.08.2020) and Section 67-A of I.T. Act, 2000 and Section 506 of IPC (were added later on vide DDR No.35 dated 05.09.2020), at Police Station Khem Karan, District Tarn Taran, Annexure P-1.

Counsel for the petitioner contends that the petitioner, who is working as a *granthi* in a Gurudwara, has been falsely embroiled in the criminal case alleging that under the threat of circulating her objectionable video recording, he forcibly kissed and molested her. He submits that both the minor victim-complainant as well as her mother, have been examined and they have not supported the case of the prosecution. He asserts that the petitioner, who is in custody since 03.10.2020, and has an unblemished past, deserves to be released on bail.

Per Contra, learned State counsel, upon instructions from ASI Sawinder Singh, has opposed the petition and has submitted that there are serious allegations against the petitioner, who is accused of indulging in obscene acts with a minor. He submits that although in the supplementary statement recorded by the prosecutrix, she had alleged that she has been sexually assaulted, but the same is not supported from her medical examination. Still further, as per his instructions 03 out of 25 prosecution witnesses have been examined.

Having considered the submissions made by counsel for the parties, noticing that the material prosecution witnesses have been examined and petitioner's custody of more than 26 months, this Court is inclined to accept the prayer made in the petition. Prosecution is yet to examine 22 more witnesses and the trial is likely to take time to conclude, are other factors which have been weighed with this Court though the role ascribed to the petitioner will be subject of determination and debate before the Trial Court.

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.

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

21.12.2022
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(SUVIR SEHGAL)
JUDGE

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