

CRM-M-16610-2022(O&M)
Date of decision: 07.09.2022

MANPREET SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rikash Goel, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Manpreet Singh-petitioner is seeking regular bail in the case bearing FIR No.142 dated 09.06.2021 under Sections 354/354-A/363/506 IPC, 1860 and Section 8 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Sadar Kharar, District SAS Nagar, Mohali.

Briefly, the allegations against the petitioner are to the effect that he had committed sexual assault on the victim who is stated to be aged about 13 years.

Learned counsel for the petitioner contends that the petitioner is in custody for a period of 01 year, 02 months and 26 days and is not involved in any other case. Although, the petitioner has been convicted in a case under Section 61 of Punjab Excise Act but he has undergone the sentence imposed upon him. The investigation of the case is complete and challan has been presented. The charge has been framed under Sections 363/366/354/506 IPC and Section 8 of POCSO Act. None of the witnesses have been examined despite

05 adjournments for prosecution evidence.

Learned State counsel has opposed the bail application on the score that serious allegations of sexual assault upon a victim who is aged about 13 years have been attributed to the petitioner and no witness has been examined till date.

It may be mentioned here that the petitioner is in custody for a period of 01 year, 02 months and 26 days. Furthermore, the charge was framed as back as on 12.05.2022 and despite 05 opportunities, no witness on behalf of the prosecutrix has been examined. As such, the petitioner cannot be further incarcerated merely on the score that the witnesses are not turning up for getting the statements recorded. Even, on the previous date of hearing in this Court, it was submitted that the next date of hearing in the trial Court is 23.08.2022 and the statements of the victim and the complainant are likely to be examined. However, nothing has been done in this regard.

Keeping in view the period of incarceration undergone by the petitioner and the other circumstances emerging in the present case, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

07.09.2022
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(VIVEK PURI)
JUDGE

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