

229 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20387-2022

Date of Decision: 25.05.2022

TASUVAR

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Kanwaljeet Singh, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking regular bail in case bearing FIR No.183 dated 02.12.2021 under Section 354 IPC and Section 75 of Juvenile Justice (Care and Protection of Child) Act, 2015 registered at Police Station Doraha, District Khanna.

Custody certificate has been placed on record.

Learned counsel for the petitioner contends that the case has been registered on the basis of information submitted by Child Welfare Committee, wherein, the victim had alleged that she has been forcibly molested by her brother-in-law i.e. petitioner and was left unattended . It has been further stated that as per the FIR, the age of the victim is stated to be 11 years but the birth certificate indicates her date of birth as 15.03.2005. The petitioner is in custody for a period of 05 months and 22 days and not involved in any other case. The investigation of the case is complete and challan has already been presented.

Learned State counsel, on instructions from ASI Sulakhan, has opposed the bail application on the score that the age of the victim is 11 years and the trial is still at the initial stage. It has also been stated that the statement of the victim under Section 164 Cr.P.C. has not been recorded.

The petitioner is in custody for a period of 05 months and 22 days. The statement of the victim under Section 164 Cr.P.C. has not been recorded. The offences are triable by the Court of learned Judicial Magistrate 1st Class and no witness has been examined so far. The investigation of the case is complete, challan has been presented and conclusion of trial is likely to take some time. As such, no fruitful purpose will be served by detaining the petitioner behind the bars.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

25.05.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No