

214 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39755-2021

Date of Decision: 26.05.2022

PRITAM SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Piyush Sharma, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

Custody certificate has been placed on record.

Through instant petition, the petitioner is seeking regular bail in case bearing FIR No.75 dated 19.07.2021 under Section 354-A IPC, Section 8 of Protection of Children from Sexual Offences, Act and Section 3 of SC & ST Act, registered at Police Station Ghall Khurd, District Ferozepur.

Briefly, the allegations against the petitioner are to the effect that on 17.07.2021, the victim, who is aged about 12 years, alongwith three/four other girls have been visited Gurudwara Sahib in the village where the petitioner had touched her inappropriately and committed sexual assault, while she was present in the langar hall.

Learned counsel for the petitioner contends that there is delay of two days in lodging the FIR and the wife of the petitioner was inflicted injuries by the residents of village in the occurrence which took place on 19.07.2021. In this regard, the matter was reported to the police, but the FIR bearing No.77 dated 30.07.2021 under Sections 323/324/32/355/500 and 149 IPC was registered at a later stage. The father of the victim is working as seeri of Nirmal Singh who is companion of the accused, who have been

mentioned in the FIR registered at the instance of the wife of the petitioner. The petitioner had moved an application before the trial Court for issuance of directions to the SHO, Police Station Ghall Khurd to collect the CCTV footage from the Gurudwara Committee of village Ghall Khurd. Though, the Digital Video Recorder (DVR) was collected but the same was never sent to FSL. The examination-in-chief of the victim has been recorded and at the time of her cross-examination, the learned trial Court had directed that DVR, CD and Pendrive of the footage be sent to FSL for examination.

Learned counsel for the petitioner further contends that the CCTV footage depict that at the time of occurrence, the petitioner was present in a separate portion of the Gurudwara and not in the langar hall. The petitioner is in custody for a period of 10 months and 09 days and not involved in any other case.

Learned State counsel has opposed the bail application on the score that the victim is aged about 12 years and in her examination-in-chief, she has supported the prosecution version.

Be that as it may, the petitioner is in custody for a period of 10 months and 09 days and is not involved in any other case. So far only the examination-in-chief of one witness and statements of two more witnesses have been recorded and still 09 witnesses remain to be examined. Moreover, the report of FSL with regard to the electronic record is yet to be received. It will be a debatable and moot point during the course of trial as to whether the petitioner has been falsely implicated on account of FIR having been lodged at the instance of his wife.

Keeping in view the entire circumstance of the case, it appears that further incarceration of the petitioner may not be justified as the trial of

the case is likely to take some time. As such, 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.

26.05.2022
smriti

(VIVEK PURI)
JUDGE

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