

CRM-M-38418-2022

Date of Decision: 01.09.2022

GURPREET SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amaninder Singh Sekho, Advocate for the petitioner.
Mr. Parneet Singh Pandher, AAG Punjab.

* * *

VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No.126 dated 15.06.2021 under Sections 376/511/354-B/506 IPC and Section 18 of POCSO Act registered at Police Station Sadar, Sri Muktsar Sahib.

Custody certificate has been placed on record.

Briefly, the allegations are to the effect that on 14.06.2021, the victim, aged about 14 years, was present in the house. The petitioner alongwith co-accused, namely, Jagdish Singh entered the room where the victim was sleeping after scaling the wall. The Jagdish Singh, co-accused gagged the mouth and the petitioner did indecent act and made an attempt to commit rape upon the victim. An alarm was raised and the assailants slipped away.

Learned counsel for the petitioner contends that the petitioner is in custody for a period of 01 year, 02 months and 09 days. The allegations against the petitioner are with regard to attempt only. The co-accused Jagdish Singh has been granted bail in terms of the order dated 27.07.2022 passed in CRM-M-1898-2022. The statements of the victim as well as her mother i.e. the complainant have been recorded during the course of trial

and out of 17, only 02 witnesses have been examined so far.

Learned State counsel has opposed the bail application on the ground that there are serious allegations levelled against the petitioner and the victim was 14 years' old at the time of occurrence. The case of the petitioner cannot be termed to be at parity with Jagdish Singh, co-accused as allegations of attempt to commit rape have been levelled against the petitioner.

Be that as it may, the statements of the victim as well as her mother i.e. complainant, during the course of trial, have been recorded. The allegations are with regard to attempt to commit penetrative sexual assault upon the victim. The petitioner is in custody for a period of 01 year, 02 months and 09 days. Custody certificate indicates that the petitioner is not involved in any other case. So far, out of 17, only 02 witnesses have been examined. The conclusion of trial is likely to take some time and no fruitful purpose will 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.

01.09.2022

Janki

(VIVEK PURI)
JUDGE

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