

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44764-2021
Date of Decision: 02.02.2022

Girdhari Lal

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Satpreet Grewal, Advocate for the petitioner.

Ms. Ruchika Sabherwal, AAG Punjab.

(The case has been taken up through video conferencing on account of Covid-19 pandemic)

* * *

VIVEK PURI, J. (ORAL)

Girdhari Lal-petitioner is seeking regular bail in case bearing FIR No. 39 dated 20.05.2021 under Sections 376, 511 IPC of 1860 and Section 8 of POCSO Act, 2012 registered at Police Station Tibber, District Gurdaspur.

Briefly, the case has been registered on the basis of the statement of the victim, who is aged about 16 years alleging that on 25.05.2021 at about 2:00 P.M., she was returning back to her uncle's house and she went to the shop of the petitioner to buy something to eat. The house of the petitioner was also besides the shop. The petitioner was not present in the shop, he came near the gate, pulled the victim inside the house, in the struggle her shirt got torn, the petitioner shut her mouth, dragged her in the bedroom and tried to make physical contact by untying her lower. The victim raised alarm which attracted her cousin and she was saved from the clutches of the petitioner.

Learned counsel for the petitioner contends that the petitioner is aged about 82 years. There are only allegations with regard to attempt to commit rape. He has undergone incarceration for a period of 8 months and 15 days, the examination-in-chief of the victim has been recorded and now the prosecution has

sought adjournment to move an application to summon two persons as additional accused.

It has been stated that two more persons were nominated by the victim in her supplementary statement and were found innocent during investigation.

Learned State counsel, on instructions of ASI Harminder Singh, has not assailed the factual aspect of the matter and has stated that the report of chemical examiner has not yet been received.

Be that as it may, the allegations against the petitioner are with regard to attempt to commit forcible sexual intercourse, he is aged about 82 years, the examination-in-chief of the victim has already been recorded and the prosecution has sought time to move an application under Section 319 Cr.P.C for summoning additional accused. The petitioner has undergone incarceration for a period of 08 months and 15 days and is not involved in any other case. The trial of the case is likely to consume some more time particularly because the prosecution is contemplating to move an application under Section 319 Cr.P.C.

Keeping in view the aforesaid circumstances, 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.

02.02.2022

Janki

(VIVEK PURI)
JUDGE

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