

216 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40515-2022
Date of Decision: 09.11.2022

BASANT SINGH ... PETITIONER
VS.
STATE OF PUNJAB .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Parveen Chauhan, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in the case bearing FIR No. 93 dated 17.12.2019 under Sections 363/366-A/376/342 and 120-B IPC and Sections 4, 7 and 8 of POCSO Act registered at Police Station Khalra, District Tarn Taran.

Custody certificate has been placed on record.

Briefly, the FIR has been registered on the allegations that the victim is aged about 15 years and on 16.12.2019, she was kidnapped by the petitioner alongwith the co-accused, namely, Baljit Singh and Ranjit Singh @ Rana.

Learned counsel for the petitioner contends that during the course of trial, the victim has not supported the prosecution version and even otherwise the allegations against the petitioner are only to the effect that he had kept vigil at the place on occurrence. The allegation with regard to the penetrative sexual assault has not been attributed against him. The petitioner is in custody for a period of 01 year, 04 months and 24 days and not involved in any other case.

Learned State counsel, on instructions from ASI Balwinder Singh, has not disputed the aforesaid factual aspects. He further submits that out of 30, only 03 witnesses have been examined.

In the instant case, the victim has not supported the prosecution version during the course of trial. It has been deposed by her during the trial that she had not seen the petitioner at the earlier instance and had not committed any wrong with her. Even otherwise, the allegations with regard to commission of penetrative sexual assault have not been attributed against the petitioner. The petitioner is in custody for a period of 01 year, 04 months and 24 days and not involved in any other case. So far only 03 out of 30 witnesses have been examined. The conclusion of trial is likely to take some time and no fruitful purpose would 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.

09.11.2022
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(VIVEK PURI)
JUDGE

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