

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

110+208

CRM-M-49411 of 2021 (O&M)

Date of decision:15.07.2022

Sukhwinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gurnoor Sandhu, Advocate for
Mr. J.S.Gill, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Ms. Malika Sethi, Advocate for
Mr. Rakesh Sobti, Advocate
for the complainant.

SUVIR SEHGAL, J. (Oral)

CRM No.24139 of 2022

Application is allowed as prayed for.

Annexures P-4 to P-6 are taken on record.

CRM-M-49411 of 2021

Instant petition has been filed under Section 439 Cr.P.C.
seeking grant of regular bail to the petitioner in case FIR No.195 dated
25.07.2021 registered under Sections 376, 120-B of Indian Penal Code,
1860 and Section 6 of Protection of Children from Sexual Offences Act,

2012 at Police Station Beas, District Amritsar, Annexure P-1.

By referring to the allegations levelled in the FIR, Annexure P-1, counsel for the petitioner has urged that there is no allegation of sexual assault against the petitioner. He submits that Sajan, son of the petitioner, is accused of sexually exploiting the prosecutrix and the petitioner is alleged to be aware of the facts and has intimidated and extended threats to the prosecutrix. Counsel submits that prosecutrix has been examined and her mother, who is the complainant, has been examined-in-chief. Reference has been made by him to the orders, Annexures P-3, P-5 and P-6 to contend that co-accused, some of whom are family members of the petitioner, have been released on bail by this Court. Counsel asserts that petitioner, who has a clean past and is in custody since 05.08.2021, deserves to be enlarged on bail.

Per contra, State counsel, who is assisted by counsel for the complainant, has sought instructions from ASI Kashmir Singh and has opposed the petition by submitting that despite being aware of the activities of his son, the petitioner supported him. State counsel submits that in her statement recorded under Section 164 Cr.P.C., the prosecutrix has mentioned that the petitioner and has specifically named him in her testimony, Annexure P-4. Upon instruction, he submits that during examination-in-chief of the complainant, supplementary challan has been presented against two co-accused.

Having heard counsel for the parties, this Court is *prima facie* of the view that complicity of the petitioner in the offence, would remain

controvertible before the Trial Court. The petitioner, who is aged 56 years and is in custody for the last more than 11 months, would be entitled to be released on bail as the trial is likely to take time to conclude.

Without delving into the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

July 15, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>