

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-49490-2021 (O&M)
Date of Decision:-14.7.2022

Shopat Ram ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashok Paul Batra, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Des Raj.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.106 dated 27.7.2021, Police Station Khuian Sarwar, Tehsil Abohar, District Fazilka, under Sections 377, 506 of Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. The FIR was lodged at the instance of Kamla Devi, wherein it is alleged that about 8 years ago her husband had expired. It is alleged that on 25.7.2021, when she reached home in the evening, her son Vinod Kumar aged 12 years told her while crying that about 5-6 days ago, his grandfather Shopat Ram took him along on a cycle to the fields and committed wrong act with him.

Said Vinod Kumar further disclosed that his grandfather Shopat Ram had committed such acts on 2-3 occasions. The complainant further alleged that now she has come to know that someone had also prepared a video of the said occurrence.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case by the complainant on account of some family dispute. Learned counsel has further submitted that the petitioner is an aged man aged about 72 years and that even the medical evidence does not substantiate the allegations as levelled in the FIR. Learned counsel has also submitted that though there is reference to a video recording in the FIR, but infact there is no such video recording, which would falsify the allegations levelled against the petitioner.
4. Opposing the petition, learned State counsel has submitted that since specific and categoric allegations have been levelled against the petitioner, no case for grant of bail is made out particularly in view of serious allegations attracting provisions of POCSO Act as well. Learned State counsel has not been able to dispute that the medical evidence has not been found to support the case of prosecution and that there is no such video recording as alleged in the FIR. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 11 months and 15 days and that although charges have been framed but none out of the cited 16 Pws has been examined.
5. I have considered rival submissions addressed before this Court.

6. This Court finds that there are specific allegations levelled in the FIR. However, the medical evidence has not been found to support the allegations as levelled therein nor is there any video recording as has been stated in the FIR. The petitioner is an aged man being aged 72 years and has been behind bars for a substantial period of more than 11 months. The petitioner is not stated to be involved in any other case. Conclusion of trial is likely to consume time inasmuch as none out of the cited 16 PWs has been examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14.7.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No