

PAPPU SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. K.S.Sidhu, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 218 dated 17.08.2021 under Section 376 IPC and Sections 4, 8 of Protection of Children from Sexual Offences Act, registered at Police Station Phillaur, District Jalandhar.

Custody certificate has been taken on record.

Briefly, the allegations against the petitioner are to the effect that on 16.08.2021, during the night hours he forcibly entered the house of the victim, who is aged about 17 years and committed indecent act with her.

Learned counsel for the petitioner contends that in her statement recorded under Section 164 Cr.P.C., the victim has not attributed use of any force against the petitioner. In fact, the victim was attracted towards the petitioner and her family members were against her. The family members of the victim had inflicted injuries upon the petitioner and even he had lodged an FIR No. 249 dated 16.09.2021 under Sections 323, 325 and 149 IPC registered at Police Station Phillaur. The petitioner is suffering from serious health issues. He has suffered an injury on his leg which has

aggravated and at one point of time, he was advised amputation of leg. The petitioner is undergoing treatment from various hospitals including Rajendera Hospital, Patiala and PGIMER, Chandigarh. Even the medical status as furnished by the learned State counsel indicates as following:-

“As per record Pappu Singh S/o Nirmal Singh is old case of Injury and fracture in right leg. Patient came to Jail, on 24.11.2021, with fracture in right leg. He was examined by on duty Medical Officer prescribed medication. On 26.11.2021, he was referred to Civil Hospital Kapurthala in Orthopedic department. Where he was examined by specialist Doctors and advised x-ray and further examination from Surgery department. Patient was examined by surgery department and further referred to GND&H Amritsar for further investigation and treatment. On 08.01.2022, he was referred to GND&H Amritsar in Orthopedic department. Where he was examined by Orthopedics' Unit-2 for H/o wound right leg, and advised conservative management and advised Plastic surgery opinion and follow-up after 1 week.

On 14.01.2022, he was admitted at GND&H Amritsar in Orthopedics' Unit-2 where he was operated in Plastic surgery department for c/o wound on right leg. Patient was discharged on 18.02.2022, in satisfactory condition.

On 27.07.2022, he was referred to PGI Chandigarh for Post Operated traumatic wound on right leg in Radiology and Plastic surgery department. C/o Non healing wound over Ankle and heal. On 03.08.2022, he was referred to PGI Chandigarh in Radiology and Plastic surgery department, where his x-ray of right leg was done and advised conservative management.

On 11.08.2022, he was referred to GND&H Amritsar in Orthopedics department where he was examined by specialist doctors and prescribed oral medicine and advised follow-up after 10 days. On 24.08.2022, he was again referred to GND&H Amritsar in Orthopedics department where conservative management was advised. Now he is under treatment from GND&H Amritsar.”

It has been further contended that the statement of the victim has been recorded.

Learned State counsel has opposed the bail application on the score that during the course of trial, the petitioner has supported the version of the prosecution and furthermore, the report of chemical examiner has not

yet been received. So far only 2 out of 11 witnesses have been examined and the petitioner is being provided appropriate treatment by the Jail authorities.

It is significant to note that the petitioner is also having serious health issues as he had suffered injuries on his leg. The injury has aggravated and he is being provided treatment from various hospital. Furthermore, the statement of the victim has been recorded during the course of trial. Even the report of chemical examiner has not been received till date. Only 2 out of 11 witnesses have been examined so far. The petitioner is in custody for a period of 1 year, 1 month and 10 days and not involved in any other case. The conclusion of trial is likely to take some time.

Keeping in view the entire circumstances emerging on record, particularly, the health status of the petitioner, sufficient exceptional 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.

28.09.2022

Janki

(VIVEK PURI)
JUDGE

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