

CRM-M-51072-2022

Date of decision: 22.12.2022

HARDEEP SINGH @ DIPI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Parminder Singh, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Hardeep Singh @ Dipi-petitioner is seeking regular bail in the case bearing FIR No.48 dated 25.06.2022 under Sections 451 (deleted later on), 354 later on added offence under Sections 452/354-A/195-A IPC and Sections 8 & 12 of POCSO Act, registered at Police Station Sadar Rajpura, District Patiala.

Briefly, the FIR has been registered on the allegations that on 18.06.2022, the victim who is stated to be aged about 15 years was alone in the house, the petitioner entered the house and touched her inappropriately.

Learned counsel for the petitioner contends that the investigation of the case is complete, challan has been presented and the charge has been framed. The petitioner is in custody for a period of 05 months and 27 days and is not involved in any other case.

Learned State counsel submits that out of 15, no witness has been examined till date and the victim is aged about 15 years.

It may be mentioned here that it has not been disputed that the

charge has been framed under Sections 354/452/354-A/195-A IPC and Sections 8 & 12 of POCSO Act. The allegation levelled against the petitioner is with regard to the sexual assault. The petitioner is in custody for a period of 05 months and 27 days and is not involved in any other case. The investigation of the case is complete and challan has been presented. The prosecution has to examine 15 witnesses and the conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

22.12.2022

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(VIVEK PURI)
JUDGE

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