

CRM-M-485-2023

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(218)

CRM-M-485-2023.

Date of Decision:-25.01.2023.

Balbir

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Amandeep Singh Manaise, Advocate for the petitioner.

Mr. Arun Gupta, AAG, Punjab.

ALOK JAIN, J. (Oral)

The present petition is for grant of regular bail to the petitioner in case FIR No.130 dated 27.07.2020 under Sections 354 and 295 of IPC and Section 8 of the POCSO Act (Section 376 of IPC and Section 4 of POCSO Act added later vide Rapat No.18 dated 02.08.2020 (Section 506 of IPC and Section 67-A of the Information Technology Act added later vide Rapat No.35 dated 05.09.2020), registered at Police Station Khemkaran, Distirct Tarn Taran.

Learned counsel for the State has filed the custody certificate in Court today. The same is taken on record.

Counsel for the petitioner submits that the petitioner is in custody for the last 2 ½ years and, moreso, the testimony of the material witnesses especially the prosecutrix and her mother and uncle does not

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support the case of prosecution. Counsel for the petitioner also prays that this Court has already granted the concession of bail to the co-accused, namely, Lovepreet Singh @ Karam in **CRM-M-16939-2021** vide order dated 21.12.2022.

Per contra learned counsel for the State, on instructions from ASI Sunil Dutt, has submitted that there are serious allegations against the petitioner and the prosecution evidence is still away and the next date is 15.02.2023.

Having considered the submissions made by counsel for the parties and the fact that all the material witnesses have not supported the case of the prosecution, the present petition deserves to be allowed.

In view of the above, without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and 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.

(ALOK JAIN)
JUDGE

January 25, 2023.

Sandeep

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