

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

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**CRM-M No. 1737 of 2022
Date of Decision : 7.2.2023**

Gurpreet Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Mohd. Yousaf, Advocate, for the petitioner

Mr. Kunal Vinayak, AAG, Punjab

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.57 dated 3.7.2021 under Sections 376 and 506 IPC, Sections 3 and 4 of POCSO Act and Section 67-B of I.T. Act, 2000, registered at Police Station Lambara, District Jalandhar Rural.

As per allegations in the FIR, recorded on the victim's statement, who statedly was seventeen years and nine months of age, the petitioner took her on Aactiva scooter to his house and made physical relations with her forcibly. He also clicked some obscene photographs and threatened her to make them viral. Many times thereafter also, he made physical relations with the victim forcibly by threatening her in November 2020.

Learned counsel for the petitioner contends that the allegations are false as the petitioner and the victim were having an affair; to substantiate, he refers to the victim's letter placed on record as Annexure P-2. He also submits that the petitioner is in custody since 3.7.2021 and trial of the case is not progressing. No prosecution witness has been examined so far. By referring to short orders passed by the trial Court, learned counsel submits that after framing

of the charges, the trial was fixed for recording statements of the prosecution witnesses, i.e., the victim and her father, for 19.10.2022. But none of them appeared on the date fixed and bailable warrants were issued against them vide order dated 19.10.2022. On the next date fixed for recording their statements, i.e., 7.12.2022 also, none of them appeared and non-bailable warrants were issued against them for 21.1.2023. On the said date again, none of the witnesses could be examined.

Learned State counsel, on instructions from ASI Shingara Singh, does not dispute the custody as well as non-examination of prosecution witnesses before the trial Court.

In view thereof, when trial of the case is not progressing, and the petitioner is in custody since 3.7.2021, it is deemed appropriate to admit him to regular bail.

Accordingly, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(TRIBHUVAN DAHIYA)
JUDGE

7.2.2023

Ashwani

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