

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

Sr. No.: 215

**Criminal Miscellaneous No.M-2661 of 2023**

**Date of Decision:** *March 21, 2023*

Major Singh

..... PETITIONER(S)

*VERSUS*

State of Punjab

..... RESPONDENT(S)

. . .

**CORAM:**      **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

**PRESENT:** -    Mr. Jagmeet Singh Moudgill, Advocate for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

. . .

**Tribhuvan Dahiya, J (Oral)**

This is a petition under Section 439 for grant of regular bail to the petitioner in case FIR No.41 dated 20.04.2022, under Sections 376, 506, 120-B IPC, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Julkan, District Patiala.

2.                    As per the FIR lodged by victim's father, that his daughter aged about eleven years, informed him that she came in contact with co-accused, Makhan Singh, resident of the same village. He asked her for friendship and forced her to make relations with him. It was threatened in case she did not do so, her father would be killed. About 20-25 days ago, Makhan Singh again threatened her to come with him, took her to a room and committed the wrong act with her. The petitioner/co-accused, Major Singh, who is Makhan Singh's cousin, stood outside the room.

3.                    Learned counsel for the petitioner contends that there is no allegation against the petitioner of committing the sexual assault with the

victim. He has been falsely implicated in the case only on account of being related to the main accused, who has already been admitted to bail being a juvenile.

4. Learned State counsel, on instructions from SI Balwinder Singh, opposes the grant of bail on the ground that the trial of the case is going on and the victim has been examined but she is still to be cross-examined. There are twenty two prosecution witnesses who remain to be examined. The petitioner is in custody since 20.04.2022, and there is no other case against him.

5. The facts in totality have been considered. The petitioner himself is not accused of committing the sexual assault. His culpability is a matter of trial. He has no criminal antecedents. Since trial of the case will take some time to conclude and the victim has already been examined, no useful purpose would be served by confining him to custody during trial.

6. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of trial Court/Duty Magistrate concerned.

(Tribhuvan Dahiya)  
Judge

March 21, 2023  
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| <u>Whether Speaking/ Reasoned:</u> | <u>Yes/ No</u> |
| <u>Whether Reportable:</u>         | <u>Yes/ No</u> |