

**2023:PHHC:054741**

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

Sr. No.: 212

**CRM No.M - 8559 of 2023**

**Date of Decision: April 19, 2023**

Sumit Kumar

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

. . .

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

. . .

**PRESENT:** - Mr. Kanwal Goyal, Advocate with  
Mr. Shobhit Rapria, Advocate and  
Mr. Govind Tanwar, Advocate  
For the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

. . .

**Tribhuvan Dahiya, J (Oral)**

**CRM-17024-2023**

The application for placing on record the Statement of PW-2 as Annexure P-4 and for seeking exemption from filing typed copy is allowed.

**CRM-M-8559-2023**

This is a petition for grant of regular bail in case FIR No.43 dated 23.05.2022, under Sections 354 and 354-B of IPC, and Section 10 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Sadar Pathankot, District Pathankot.

2. The allegations against the petitioner, as mentioned in the FIR lodged on a statement of the victim's mother, are that he inappropriately touched her daughter, aged about 10 years. He is stated to be residing in adjoining room as a tenant. On 21.05.2022, when she returned home in the evening, her daughter who was under stress and feeling threatened, disclosed

all that had happened to her.

3. Learned counsel for the petitioner contends that the petitioner is in custody since 21.06.2022 and both, the prosecutrix-victim and mother-complainant, have been examined; there are eleven more witnesses still to be examined by the prosecution. The petitioner has no other case registered against him.

4. Learned State counsel on instructions from ASI Raj Kumar, does not deny the submissions made by the learned counsel for the petitioner. He, however, opposes the grant of bail on the ground that the remaining witnesses including the eye-witness are still to be examined.

5. Submissions made by learned counsel for the parties have been considered.

6. Material prosecution witnesses, the victim and the complainant, stand already examined. Trial of the case will take some time to conclude, as eleven more witnesses are to be examined, and no useful purpose will be served by confining the petitioner to custody any longer. He is about 21 years of age, and has no criminal antecedents.

7. 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**

**April 19, 2023**  
Lavisha

Whether Speaking/ Reasoned:  
Whether Reportable:

Yes/ No  
Yes/ No