

2023 : PHHC : 132006

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

MUNISH TAYAL @ MUNISH KUMAR ... **PETITIONER**
V/S
STATE OF PUNJAB ... **RESPONDENT**

Present: Mr. Monty Goyal, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.
* * *

1. The petitioner is seeking regular bail in case bearing FIR No. 21 dated 25.01.2023 under Sections 323, 354-A, 354-B IPC and Sections 12, 8 of Protection of Children from Sexual Offences Act, registered at Police Station Division No.6, Ludhiana

3. Learned counsel for the petitioner contends that as per the allegations, the petitioner had shown some pronographic video to the victim, who is aged about 14 years and inflicted injuries upon the complainant i.e. the father of the victim. The petitioner has been falsely implicated in the instant case. The petitioner is in custody for a period of 8 months and 16 days and not involved in any other case. The charge in the instant case was framed as back as on 10.04.2023 and despite 4 opportunities, the victim has not been examined.

5. It is significant to note that on the previous date of hearing, it

was submitted by the learned State counsel that an endeavour shall be made to examine the victim on the next date of hearing i.e. 26.09.2023 in the trial Court.

6. On a query, learned State counsel, on instructions from ASI Davinder, submits that the victim has not been examined and no reason has been assigned for her non-appearance in the trial Court. It has not been disputed that 4 opportunities have already been granted to the prosecution but the victim has not yet been examined. The petitioner is in custody for a period of 8 months and 16 days and not involved in any other case. The injuries on the person of the complainant are stated to be simple in nature. The offence under Section 8 is punishable with imprisonment for a period which may extend upto 5 years. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

7. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

8. The petition is allowed.

11.10.2023

Janki

**(VIVEK PURI)
JUDGE**

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