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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14415-2023 (O&M)
Date of decision : 19.07.2023

Pradeep Kumar @ Pardeep Kumar ... Petitioner(s)

Versus

State of Punjab & Anr. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Satnam Singh Thakur, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab for respondent No.1.

Mr. Anshul Sharma, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.05 dated 10.01.2023 under Section 354 of the Indian Penal Code, 1860 and Section 10 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Phillaur, District Jalandhar Rural.
2. Learned counsel for the petitioner would contend that the petitioner has been in custody for a period of 06 months and 07 days and that the statements of the victim as well as her mother, who is the complainant in the present case, have since been recorded and both the victim as well as the complainant have not supported the case of the prosecution. It is further the

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contention that the victim did not even recognize the petitioner.

3. *Per contra*, learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 06 months and 07 days. Learned State counsel is, however, not in a position to deny the fact that both the victim and the complainant have not supported the case of the prosecution and that the victim has not recognized the petitioner.

4. Learned counsel for the complainant has reiterated that both the victim and the complainant have not supported the case of the prosecution and that the victim has not recognized the petitioner.

5. Heard.

6. In the present case the petitioner has been in custody for a period of 06 months and 07 days and the statements of the victim as well as her mother, who is the complainant in the case, have since been recorded and both the victim as well as the complainant have not supported the case of the prosecution. Further, the victim has not recognized the petitioner. The trial is likely to take some time to conclude.

7. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds with adequate surety to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

8. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.
9. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.
10. Disposed off. Pending applications, if any, also stand disposed off.

19.07.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO