

CRM-M-16039-2023 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

110+203

CRM-M-16039-2023 (O&M)
Date of Decision:-07.06.2023

Harpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Ashok Giri, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

ALOK JAIN, J. (Oral)

CRM-24292-2023

1 The present application has been filed for placing on record the evidence of the prosecutrix/PW-2 as Annexure P-5.

2. Application is allowed as prayed for. Annexure P-5 is taken on record, subject to all just exceptions.

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1. The present petition has been filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No. 97 dated 19.07.2022 under Sections 354-D, 509, 506, 384 of the Indian Penal Code and Section 67 of I.T. Act 2000 and Section 12 of POCSO Act, 2012, 2019 (Sections 376, 201 of IPC and Section 4 of POCSO Act added later on)

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registered at Police Station Division No.4, District Jalandhar.

2. Learned State counsel has filed the custody certificate and status report by way of an affidavit of Mr. Nirmal Singh, PPS, Assistant Commissioner of Police, Central, Jalandhar, which are taken on record, subject to all just exceptions and submits that all the material witnesses have been examined.

3. Learned State counsel assisted by the counsel for the complainant has vehemently opposed the bail and has raised serious allegations leveled against the petitioner that he is threatening the complainant. However, there is nothing on record to substantiate the same.

4. After hearing learned counsel for the parties and the fact that all the material witnesses have been examined and the petitioner is in custody for almost 11 months and the fact that the petitioner is a young boy of 23 years who was apparently in a relationship with the prosecutrix and the fact that the trial is likely to take long time, no useful purpose would be served by keeping the petitioner in custody, therefore, the petitioner has made out a case for grant of concession of regular bail.

5. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

1. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
2. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
3. He will mark his presence before the SHO concerned, after every 15

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days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.

- 4. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

- 6. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

07.06.2023
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(ALOK JAIN)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No