

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

(218)

CRM-M-19799 of 2023
DATE OF DECISION:-26.04.2023

Sukhwinder Singh @ Bikkar Singh

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. K. S. Mamrat, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

(1) By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.0060 dated 18.08.2022 under Sections 363, 377, 511 IPC and Section 12, 18 (added later on) of POCSO Act, registered at Police Station Sadar Rupnagar, District Rupnagar, Punjab (Annexure P-1).

(2) As per FIR, allegations against the petitioner are that he took elder son of complainant inside his house with an intention to commit wrong act but before this could happen, the wife of the complainant reached there.

(3) Learned counsel for the petitioner submits that petitioner has no past criminal antecedents and no such incident as alleged in the FIR took place which was just on account of some misunderstanding between the neighbours. He further submits that investigation in the present case already stands concluded with the filing of *challan* followed by framing of charges. He also submits that the petitioner is behind the bars for a period of almost 8 months, 9 days and trial is likely to take some as out of 13 witnesses as cited by the prosecution, none has been examined so far, thus,

the petitioner deserves concession of regular bail.

(4) On the other hand, learned State counsel opposes the prayer made herein while submitting that the petitioner tried to commit wrong act with the son of the complainant while taking him inside his house.

(5) I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

(6) Considering the fact that the petitioner is behind the bars for a period of almost 8 months and 9 days; investigation in the present case already stands concluded with the filing of *challan* followed by framing of charges and the trial is likely to take some time as out of total 13 witnesses as cited by the prosecution, none has been examined, he deserves the concession of regular bail. For the purpose of consideration of the present bail application while making *prima facie* opinion in favour of the petitioner, reference is made to a portion of statement of victim as recorded under Section 164 Cr.P.C. which would be relevant and thus the same is reproduced hereunder:

“The deponent has been asked 5 to 6 times that whether the accused touches him in wrong way tries to take out his own clothes or has ever taken out his own clothes in front of deponent, the deponent has stated “no”.

Sd/-
Manpreet Kaur,
JMIC/24.08.2022”

(7) Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the

satisfaction of the concerned learned trial Court/Duty Magistrate.

(8) However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

26.04.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No

whether reportable: Yes/No