

CRM-M-24353-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CRM-M-24353-2022
Date of Decision:-02.05.2023

Sarabjeet
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON’BLE MR. JUSTICE ALOK JAIN

Present: Mr. Pankaj Attri, Advocate for
Mr. Naresh Kaushik, Advocate for the petitioner.

Mr. Arun Gupta, AAG, Punjab.

ALOK JAIN, J. (Oral)

Prayer is for grant of regular bail to the petitioner in case FIR No. 68 dated 29.09.2021 under Sections 363 and 366-A of the Indian Penal Code (Sections 376 and 120-B IPC and Sections 3, 4, 17 and 18 of POCSO Act, 2012 added later on), registered at Police Station Patara, District Jalandhar Rural.

2. Learned counsel for the petitioner submits that the present FIR is a bundle of lies, as the victim who is almost attaining the age of majority herself stated in her statement recorded under Section 164 Cr.P.C, that she herself ran away from the house and forced the petitioner to come along with her. He further submits that even the victim has refused to get her medical done. He further submits that the petitioner is in custody since 08.11.2021. The testimony of the prosecutrix has been recorded and the trial is likely to take some time.

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3. Custody certificate of the petitioner has been filed by learned State Counsel in Court today, which is taken on record.

4. After hearing learned counsel for the parties and the fact that the trial is likely to take long time, no useful purpose would be served by keeping the petitioner in custody.

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 and two 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 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.

02.05.2023*Neenu/parul*

(ALOK JAIN)
JUDGE

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