

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

209

CRM-M-23342-2023

Date of Decision:- 12.05.2023

Jasbir Singh @ Kali

.....Petitioner

Versus

State of Punjab and Anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

Mr. Pankaj Khullar, AAG, Punjab.

Ms. Ramandeep Kaur, Advocate for respondent No.2.

ALOK JAIN, J. (Oral)

1. Prayer is for grant of regular bail to the petitioner in case FIR No.77 dated 27.12.2021, under Sections 363 and 366-A of IPC (Section 376 IPC and Sections 4 and 6 of the POCSO Act, added later on), registered at Police Station Khem Karan, District Tarn Taran.

2. Learned counsel for the petitioner submits that the entire story is concocted and has been lodged by the father of the victim, with whom the petitioner was having consensual relationship, and in fact, they got married and are blessed with a daughter also. He further submits that, in fact, the victim has categorically stated in her statement recorded under Section 161 Cr.P.C. as well as under Section 164 Cr.P.C. that she does not wish to live with her parents and despite all the above, she wants to lead her further life with the petitioner.

3. Learned State counsel, assisted by the counsel for the complainant, however, opposes the grant of bail to the petitioner.

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4. Heard learned counsel for the parties.
5. The petitioner has been in custody since 27.04.2021. The trial is likely to take some time. Therefore, no useful purpose would be served by keeping the petitioner in custody.
6. 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 surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. In light of the opposition made by counsel for the respondent, he shall, however, be released on the following stringent conditions:
- i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
 - ii. 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.
 - iii. 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.
 - iv. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.
7. The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.
8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

(ALOK JAIN)
JUDGE

12.05.2023*neenu*

Whether speaking/reasoned:- Yes/No

Whether Reportable:- Yes/No