

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**215****CRM-M No.30503 of 2021****Date of Decision : 20.10.2023**

Sachin Sharma

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. D.S. Gandhi, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

Mr. M.S. Longia, Advocate for the complainant.

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.98 dated 29.12.2020 under Sections 323, 326, 498-A, 354-A, 354-B, 509, 376 and 511 of the Indian Penal Code, 1860 and Sections 6, 10, 12 and 18 of the Protection of Children from Sexual Offences Act, 2012 and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 registered at Police Station Nayagaon, District SAS Nagar (Mohali).

2. In the present case, the victim is the step-daughter of the petitioner herein. The complaint was registered at the instance of his second wife. It has been alleged in the FIR that the victim came to reside with the petitioner and his wife in the year 2017. Thereafter, on various dates, the petitioner had given beatings to the victim as also had tried to molest her. On the basis of said complaint, the FIR was lodged. Learned counsel for the

petitioner would contend that the petitioner has already been in custody for a period of 02 years 09 months and 22 days and out of 21 prosecution witnesses only 04 stand examined. He, however, states that the victim and the complainant stand examined and cross-examined in the present case.

3. Learned counsel for the complainant has expressed an apprehension that the petitioner once granted bail would try and cause harm to the complainant and the victim.

4. Learned State counsel has filed the custody certificate as per which the petitioner has already been in custody for a period of 02 years 09 months and 22 days. There is no other case pending against the petitioner. Learned State counsel has further stated on instructions from ASI Balbir Singh that out of 21 prosecution witnesses only 04 stand examined. The victim and the complainant have since been examined and cross-examined and they have supported the prosecution version.

5. I have heard learned counsel for the parties.

6. In the present case, the allegations against the present petitioner are that on various dates he had beaten the victim and also molested her. The petitioner has already been in custody for a period of 02 years 09 months and 22 days. There is no other case pending against the petitioner. The victim and the complainant stand examined and cross-examined and out of 21 prosecution witnesses only 04 have been examined till date.

7 In view of the above and without commenting upon the merits of the case, I deem 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/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

8. Additionally, given the nature of the allegations and the other circumstances, the petitioner shall not enter the property, workplace, and the residence of the victim and shall not approach the victim or her family in any manner. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence or cause any discomfort to the victim.

9. 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.

10. 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.

11. Disposed off. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

20.10.2023
jk

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