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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29112-2023 (O&M)
Date of decision : 02.08.2023

Manpreet Singh @ Prince ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Divya Gulati, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

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.273 dated 27.08.2022 under Sections 376-D/366 of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (Section 120-B added later on), registered at Police Station “B” Division, District Amritsar.
2. Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the present case and that the only allegation against the petitioner is that the room where the alleged incident took place was booked in the name of the petitioner. Learned counsel would further contend that the prosecutrix and the complainant have both not

supported the version of the prosecution. Learned counsel would further contend that the petitioner has been in custody for a period of 11 months and 06 days.

3. Learned counsel for the State has filed the custody certificate as well as status report by way of affidavit of Sh. Sukhpal Singh, PPS, Assistant Commissioner of Police, East, Amritsar City which are taken on the record. As per the custody certificate, the petitioner has been in custody for a period of 11 months and 06 days. Learned counsel for the State on instructions from ASI Amarjit Singh has stated that the complainant and the prosecutrix have both been declared hostile. Learned State counsel is not in a position to deny the fact that the only allegation against the petitioner in the present case is that the room was booked in his name.

4. Heard.

5. In the present case the only allegation against the petitioner in the FIR as well as in the statement recorded under Section 164 CrPC was that the room where the alleged incident took place was booked in the name of the petitioner. The statements of both the prosecutrix as well as the complainant have since been recorded in Court and they have not supported the case of the prosecution. The petitioner has been in custody for a period of 11 months and 06 days. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further

6. In view of the above and without commenting upon the merits of the case, this Court deems 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.

7. 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.

8. 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.

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

02.08.2023

Yogesh Sharma

(ALKA SARIN)

JUDGE

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