

2023:PHHC:152691

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

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**CRM-M No.31225 of 2023
Date of Decision : 30.11.2023**

Kala Singh alias Khedu

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Lupil Gupta, 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.47 dated 07.03.2023 under Section 354-A of the Indian Penal Code, 1860 and Sections 7, 8 and 10 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Sadar Mansa, District Mansa.

2. The allegation in the FIR is that on 06.03.2023 at about 06.30 pm the victim/complainant, aged about 17 years, was going back from the village shop. On the way the petitioner called her and when she went near the petitioner, he caught hold of her arm and pulled her and started touching her breast. She somehow managed to set herself free and reached home and narrated the entire incident to her mother. In the FIR itself it has been stated

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that the petitioner is 40 years of age and is a handicapped person and used to walk with the help of a stick.

3. Learned counsel for the petitioner would contend that the petitioner is 70% physically disabled and to this effect a disability certificate has also been appended with the petition as Annexure P-2. Learned counsel for the petitioner would further contend that the petitioner has been implicated in a totally false case. It has further been contended that the petitioner has been in custody for a period of 08 months and 25 days and the material witnesses since stand examined.

4. Learned State counsel has filed the custody certificate as per which the petitioner has been in custody for a period of 08 months and 25 days. Learned State counsel has reiterated that the material witnesses since stand examined and out of total 11 witnesses, 04 have been examined and 02 have been given up. Learned State counsel is also not in a position to deny the fact that the petitioner is a handicapped person and is suffering from 70% permanent physical disability.

5. I have heard learned counsel for the parties.

6. In the present case the petitioner is a handicapped person suffering from 70% permanent physical disability. The material witnesses since stand examined. The petitioner has already been in custody for a period of 08 months and 25 days. The conclusion of trial is likely to take some time since out of total 11 witnesses 04 have been examined and 02 have been given up.

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. 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.

9. 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.

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

(ALKA SARIN)
JUDGE

30.11.2023
jk

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