

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31162-2023 (O&M)
Date of decision : 03.08.2023

Lakhveer Singh ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. I.S. Dhaliwal, 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.17 dated 24.02.2023 under Sections 376, 506 of the Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (Section 511 IPC and Section 8 of POCSO Act added later on) registered at Police Station Dirba, District Sangrur (Annexure P-1).
2. Learned counsel for the petitioner would contend that allegations against the petitioner in the FIR are that he had taken the victim-complainant to Preet Hotel, Dirba where the co-accused Mandeep Sharma forcibly sexually assaulted her against her will. Thereafter, the petitioner tried to sexually assault her but the victim-complainant somehow saved

herself. Counsel would further contend that the petitioner has falsely been implicated in the present case and that the victim-complainant in her statement has not supported the case of the prosecution. It is further the contention that father of the victim-complainant, Baljinder Singh, who stepped into the witness box as PW-4, has also not supported the case of the prosecution. It is further the contention that the petitioner has absolutely clean antecedents and that the petitioner has been in custody for a period of 05 months and 08 days.

3. Learned counsel for the State has filed the custody certificate as well as status report by way of affidavit of Sh. Prithvi Singh, PPS, Deputy Superintendent of Police, Sub Division, Dirba which are taken on the record. As per the custody certificate, the petitioner has been in custody for a period of 05 months and 08 days. Learned counsel for the State on instructions from ASI Mithu Ram is not in a position to deny the fact that the victim-complainant as well as her father have turned hostile. He is also not in a position to deny the fact that there is no other case pending against the petitioner.

4. Heard.

5. In the present case the petitioner has been in custody for a period of 05 months and 08 days. The statements of the star witnesses have been recorded and they have not supported the case of the prosecution and in fact the victim-complainant and her father have turned hostile. There is no case pending against the petitioner. 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.

03.08.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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