

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 208

Criminal Miscellaneous No.M-33354 of 2022

Date of Decision: April 12, 2023

Vinod Kumar Rajdhar

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Rajiv Joshi, Advocate with Mr. Harshit Jain,
Advocate for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

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Tribhuvan Dahiya, J (Oral)

This is a petition for grant of regular bail to the petitioner in case FIR No.0061 dated 06.04.2022, under Sections 354-B (Section 354 of IPC and Section 8 of POCSO Act, 2012 added later on), registered at Police Station Moti Nagar, District Police Commissionerate, Ludhiana.

2. The FIR, lodged on the statement of victim's mother, records that her daughter, studying in 7th standard, told her while she was returning from school, the petitioner molested her, grabbed handle of her bicycle and started pulling her by the arm. When she raised alarm, the passers-by gathered there, caught hold of him and beat him up. The complainant reached there, saw the petitioner being beaten up by the crowd and her daughter standing there crying.

3. Learned counsel for the petitioner contends that the petitioner is in custody since 06.04.2022 and trial of the case is not progressing. Despite about six opportunities having been granted, none of

the prosecution witnesses has been examined, though charges were framed on 07.06.2022. The minimum sentence prescribed for the offences alleged against the petitioner is three days.

4. Learned State counsel, on instructions from ASI Ajmer Singh, does not dispute the fact that despite as many as six opportunities, none of the ten prosecution witnesses could be examined. The petitioner is in custody since 06.04.2022 and there is no other case against him.

5. Submissions made by learned counsel for the parties have been heard. Apparently, trial of the case is not progressing as the prosecution has failed to examine any of the witnesses. The petitioner remains in custody for the last more than one year, and has no criminal antecedents. Investigation of the case is already over, and he cannot be confined to custody for indefinite period awaiting examination of witnesses by the prosecution.

6. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of trial Court/Duty Magistrate concerned.

(Tribhuvan Dahiya)
Judge

April 12, 2023
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No