

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
(212)

CRM-M-38834-2021
Date of Decision:-02.03.2023

Sunil Kumar alias Ballu	Versus	Petitioner
State of Punjab		Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Amit Sharma, Advocate for the petitioner.

Mr. Arun Gupta, AAG, Punjab.

ALOK JAIN, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.90 dated 06.04.2021 for offence under Sections 363, 366-A of IPC and Section 376 IPC as well as Sections 3 and 4 of Protection of Children from Sexual Offences Act, 2012 added later on, registered at Police Station Phillaur District Jalandhar (Punjab).

Learned counsel for the petitioner submits that the petitioner is in custody for the last 01 year, 10 months and 12 days, who is 21 years old boy and has been in relationship with the prosecutrix and they had ran away, on the asking of the prosecutrix, as she told that she wanted to marry with the petitioner.

The learned State counsel has filed the custody certificate and the same is taken on record. He, on instructions from ASI Jaswinder Singh, submits that as per the custody certificate the petitioner is in custody for the last 01 year 10 months and 12 days and has submitted that out of 18 prosecution witnesses, 06 witnesses yet to be examined.

Per contra, learned counsel for the petitioner submits that all the material witnesses have been examined and thus, the petitioner be considered for grant of concession of regular bail.

Without commenting on the merits of the case and in light of the fact that the petitioner is in custody for the last 01 year 10 months and 12 coupled with the fact that he is 21 years old boy, the petitioner has made out a case for grant of concession of regular bail.

The petitioner has been in custody since 23.04.2021. Trial is likely to take long time. Therefore, no useful purpose would be served by keeping the petitioner in custody.

In view of the above, without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. He shall, however, be released on the following conditions:-

1. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
2. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
3. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
4. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

(ALOK JAIN)
JUDGE

02.03.2023

Anjal

Whether speaking/reasoned:- Yes/No
Whether Reportable:- Yes/No