

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**227****CRM-M No.36098 of 2023****Date of Decision : 02.11.2023**

Satnam Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mrs. Satpreet Grewal Kapila, 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.0149 dated 02.06.2023 under Sections 354 and 509 of the Indian Penal Code, 1860 and Section 8 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Tanda, District Hoshiarpur.

2. The FIR was registered on the statement of the victim herself wherein she stated that she is 15-16 years old and that her date of birth is 30.09.2008. It was alleged in the FIR that the petitioner herein, who was residing in the neighbourhood, was on visiting terms to their house since the past 01 year and her mother used to tie *Rakhi* to him. The petitioner kept a bad eye on her and used to follow her. In this regard, she is alleged to have disclosed the same to her maternal grandfather and the petitioner is alleged to have orally apologized for his act about 02 months ago. However, he did not mend his ways. On 31.05.2023 at about 12.00 noon, when she was

coming back to her house, the petitioner was standing in the street and caught hold of her arm and pressurized her for wrong act. She raised an alarm and the petitioner ran away. On the basis of said statement the FIR was lodged.

3. Learned counsel for the petitioner would contend that the prosecutrix has stepped into the witness-box as PW1 wherein she has not supported the case of the prosecution and has stated that no such occurrence took place on 31.05.2023. She has further stated that the petitioner did not touch her with bad intention as alleged in the FIR. It has also been stated that no occurrence took place prior to 31.05.2023 and that the FIR was lodged as the villagers had a grudge against the petitioner and that her signatures were taken on blank papers.

4. Custody certificate has been filed by learned State counsel as per which the petitioner has been in custody for a period of 05 months and 01 day and there are 04 other cases pending against him under the Punjab Excise Act, 1914. In three of the cases he is stated to be on bail and in one case he is stated to be on production warrants.

5. I have heard learned counsel for the parties.

6. In the present case the victim, who is also the complainant, has alleged in the FIR that the petitioner had caught hold of her arm and pressurized her to do a wrong act with him. However, she raised an alarm and the petitioner ran away. While appearing as PW1 the complainant/victim has not supported the case of the prosecution and has infact stated that her signatures on blank papers were taken and the FIR was got registered on the said basis. The petitioner has already been in custody for a period of 05 months and 01 day.

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, if not required in any other case, 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.

02.11.2023
jk

(ALKA SARIN)
JUDGE

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