

2023:PHHC:098143

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

CRM-M -36135-2023

Date of Decision: 01.08.2023

BUTA SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. J.K.Singla, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in the case bearing FIR No. 64 dated 30.03.2023 under Sections 354-A, 323 IPC and Section 12 of the POCSO Act registered at Police Station Sadar Mansa, District Mansa.

2. Custody certificate has been placed on record.

3. Learned counsel for the petitioner contends that the victim, who is allegedly aged about 16 years, alongwith another woman were washing the clothes at the motor installed in the land of the petitioner. The victim and the woman accompanying her were working as a labourer in a brick kiln and even on earlier occasion, the petitioner had asked them to refrain from using the motor installed in his land. On that score, the petitioner has been falsely implicated in the instant case. The offences prescribe maximum sentence for a period of 03 years. The investigation of the case is complete and challan has also been presented in the Court.

4. Learned State counsel has opposed the bail application on the score that the statement of the victim is yet to be recorded in the trial Court.

5. It is significant to note that the petitioner is in custody for a period of 03 months and 06 days and not involved in any other case. The offence under Section 354-A and 323 IPC are bailable and the offence under Section 12 of the POCSO Act is punishable with imprisonment which may extend to three years. The investigation of the case is complete and challan has already been presented. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

6. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

01.08.2023
smriti

(VIVEK PURI)
JUDGE

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