

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37169-2023 (O&M)
Date of decision : 18.12.2023

Sukhdev Singh @ Debu ... Petitioner(s)
Versus
State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rajat Dogra, Advocate for the petitioner.
Mr. M.S. Tiwana, AAG Punjab.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.197 dated 14.09.2019 under Sections 363, 366-A, 376 of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station City-I Abohar, District Fazilka (Annexure P-1).
2. Learned counsel for the petitioner would contend that the FIR was registered on 14.09.2019 and thereafter vide order dated 02.03.2020 (Annexure P-2) the petitioner was granted the concession of anticipatory bail. Subsequently, offences were enhanced and Section 376 of IPC and Section 6 of POCSO Act were added. The petitioner was thereafter granted the concession of regular bail vide order dated 18.08.2020 (Annexure P-3). Learned counsel would further contend that the petitioner regularly appeared

till 06.06.2022 i.e. for almost two years and failed to appear on 06.06.2012 as after the victim had attained the age of majority and they had solemnized their marriage and have also been blessed with a baby girl. Learned counsel would further contend that the petitioner failed to appear before the Trial Court under the misconception that since the parties had entered into a compromise and a petition for quashing of the FIR had also been filed before this Court being CRM-M-21078-2023 in which the statements of the parties also stand recorded, he would not be required to appear before the Trial Court. It is further the contention of learned counsel for the petitioner that the petitioner has been in custody for a period of 06 months and 08 days and that he has absolutely clean antecedents.

3. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 06 months and 08 days and that there is no other case pending against him. Learned counsel for the State is not in a position to deny the fact that the parties had since compromised the matter and that the victim and the petitioner had solemnized their marriage and had also been blessed with a baby girl. Learned State counsel, however, contends that since the petitioner had been declared proclaimed offender vide order dated 12.05.2023, there is every chance of him absconding yet again if the petitioner is released on bail.

4. Heard.

5. In the present case the petitioner was initially granted the

concession of anticipatory bail vide order dated 02.03.2020 (Annexure P-2). Thereafter after the enhancement of the offences and addition of Section 376 of IPC and Section 6 of POCSO Act, the petitioner was granted the concession of regular bail vide order dated 18.08.2020 (Annexure P-3). Thereafter the petitioner failed to appear on 06.06.2022 under the misconception that since the parties had entered into a compromise and had solemnized their marriage, hence, he would not be required to appear before the Trial Court. The parties have also filed a petition being CRM-M-21078-2023 for quashing of the FIR on the basis of a compromise before this Court in which the statements of the parties stand recorded. As per the custody certificate the petitioner has been in custody for a period of 06 months and 08 days and there is no other case pending against him. 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 with heavy surety 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.

18.12.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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