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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37121-2023 (O&M)

Date of decision : 04.08.2023

Lovepreet Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. S.S. Chakkal, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, 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.213 dated 18.10.2022 under Sections 363, 366-A, 376 (2) (n), 506 of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station City Sangrur, District Sangrur (Annexure P-1).

2. Learned counsel for the petitioner would contend that the statements of the complainant and the victim have been recorded and they have not supported the prosecution version. Learned counsel would further contend that qua the statement under Section 164 CrPC, the victim has stated that the statement was got recorded before the Judicial Magistrate 1st Class

under Police pressure. The complainant i.e. mother of the victim has also not supported the case of the prosecution and she has stated that her signatures were obtained on blank papers by the Police. It is further the contention that even FSL Report is negative and that the petitioner has been in custody for a period of 09 months and 17 days.

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 09 months and 17 days. Learned State counsel is not in a position to deny the fact that the victim and the complainant have not supported the version of the prosecution as also the fact that FSL Report received is negative.

4. Heard.

5. In the present case the petitioner, who is a young boy of 18 years, has already been in custody for a period of 09 months and 17 days. Both the victim and the complainant have not supported the version of the prosecution. 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/surety bonds 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.

04.08.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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