

CRM-M-39987-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207

CRM-M-39987-2022
Date of Decision:-11.05.2023

Dharminder Singh @ Dhalwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. T.S. Grewal, Advocate for the petitioner.

Mr. Arun Gupta, AAG, Punjab.

ALOK JAIN, J. (Oral)

1. Prayer is for grant of regular bail to the petitioner in case FIR No. 01 dated 01.01.2022 under Sections 354, 354-A, 456 of the Indian Penal Code and Section 8 of POCSO Act (Amended), 2012, 2019, registered at Police Station Sadar Abohar, District Fazilka.

2. Mr. T.S. Grewal, Adocate has put in appearance on behalf of the petitioner and filed fresh Vakalatnama with "no objection" from the earlier counsel in the Court today, which is taken on record.

3. Learned counsel for the petitioner submits that all the material witnesses have been examined and there is no threat perception that the petitioner could induce any of the witnesses. He further submits that even as per the testimony of the material witnesses, not a single line qua any obscene act is coming forth and the petitioner has a fair chance of acquittal in the trial

CRM-M-39987-2022

also. He further submits that the incarceration of the petitioner is more than 01 year 02 months and hence, the petitioner be granted the concession of regular bail.

4. Custody certificate dated 09.05.2023 has been filed by learned State counsel. The same is taken on record.

5. Learned State counsel has vehemently opposed the bail on the ground that the petitioner has procrastinated the proceedings and has in fact, been declared as proclaimed offender. It was only on 15.03.2022, that the petitioner was arrested, when he surrendered and thereafter, the proceedings moved ahead, however, he could not deny the fact that all the material witnesses have been examined and the trial is likely to take some time.

6. After hearing learned counsel for the parties and the fact that the trial is likely to take long time, no useful purpose would be served by keeping the petitioner in custody.

7. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/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,

CRM-M-39987-2022

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.

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

11.05.2023
parul

(ALOK JAIN)
JUDGE

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