

CRM-M-38084-2023

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

222-2

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Date of Decision:-20.12.2023

Parwinder Singh @ Mani

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Chirag Girdhar, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present first petition has been filed for grant of regular bail to the petitioner in case FIR No. 137 dated 21.06.2022 under Sections 354-A and 354-D of Indian Penal Code and Sections 8, 11 (iv) and 12 of POCSO Act (Section 354 IPC added later on 20.08.2022 vide GDR No. 41), registered at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner has submitted that the petitioner is a young boy of 21 years and is in custody for more than 01 year, coupled with the fact that the testimony of the main witnesses has already taken place.

3. Custody certificate of the petitioner has been filed by learned State counsel in Court today, which is taken on record, subject to all just

exceptions, according to which, the petitioner is in custody for last 01 year,

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and 26 days.

4. Learned State counsel does not deny the fact that the material witnesses have been examined, although submits that the witnesses have supported the case of prosecution and there is every likelihood of the conviction of the petitioner.

5. In light of the above and considering the fact that the petitioner is in custody for more than 01 year and the fact that the trial is likely to take long time, therefore, no useful purpose would be served by keeping the petitioner in custody, hence, the petitioner is entitled to grant of concession of regular bail.

6. Without commenting upon the merits of the case, the present petition is allowed in light of the long incarceration and the stage of trial, however, the offence involves a minor child, who is already facing lot of mental agony, the petitioner is ordered to be released on bail, however, **subject to some heavy surety of at least Rs.2,50,000/-** on 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, for which he will submit the copy of his passport also.

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The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

7. It is made clear that, in case, the petitioner is found involved in any such activity again, the present concession granted shall be considered to be cancelled.

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

20.12.2023
Parul

(ALOK JAIN)
JUDGE

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