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2023 : PHHC : 116457

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38586-2023

Date of Decision: 05.09.2023

KARAJ SINGH

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vikas Gupta, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

* * *

VIVEK PURI, J. (ORAL)

1. Petitioner is seeking regular bail in case bearing FIR No. 77 dated 06.03.2023 under Section 354 IPC and Section 8 of Protection of Children from Sexual Offences Act, registered at Police Station Zirakpur, District SAS Nagar, Mohali.
2. Custody certificate has been taken on record.
3. Learned counsel for the petitioner contends that the FIR has been registered on the basis of the statement of the father of the victim, who is stated to be aged about 9 years alleging that the petitioner who is working as a Security Guard in the residential society had inappropriately touched the victim and sexually harassed her.
4. It has been submitted that during the course of trial, the victim and her parents have not supported the prosecution version. The petitioner is in custody for a period of 6 months and 01 day and not involved in any other case.

5. Learned State counsel has not disputed the aforesaid factual aspect and further submits that out of 12, 3 witnesses have been examined.

6. During the course of trial, the victim and her parents have not supported the prosecution version. The petitioner is in custody for a period of more than 6 months and not involved in any other case. As the statement of the victim has been recorded, it cannot be said that the petitioner can, in any manner, win over or influence her. Still 9 witnesses remain to be examined and conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioner in further custody.

7. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

8. The petition is allowed.

05.09.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No