

CRM-M-45765-2022 (O&M)

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

(116)

CRM-M-45765-2022 (O&M)

Date of Decision:-29.03.2023

Gurmail Singh @ Gela Singh

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Mitul Singh Rana, Advocate for the petitioner.

Mr. S.S. Pannu, DAG, Haryana.

ALOK JAIN, J. (Oral)**CRM-14367-2023**

Application is allowed as prayed for.

Annexure P-3 i.e. testimonies of the witnesses PW-1, PW-2 and PW-3, is taken on record.

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The instant application has been filed seeking preponement of the date of hearing in the main petition which has been listed for 11.04.2023.

For the reasons stated in the application, the same is allowed and the main case is taken on board today itself.

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Prayer in this petition is for grant of regular bail to the petitioner in FIR No.09 dated 01.06.2022, under Sections 323, 354, 354-A and 451 of Indian Penal Code, and Section 8 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Women Police Station Dabwali, District Sirsa.

Learned counsel for the petitioner has vehemently argued that as per the FIR the only allegation was that the petitioner has held her arm and tried to pull the minor towards him and due to fear, she has raised

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noise. However, the prosecutrix is well-oriented and aged around 16 years and in her testimony, she has resiled from the earlier statement.

After hearing learned counsel for the petitioner and the fact that the trial is likely to take some time, no useful purpose would be served by keeping the petitioner in custody, therefore the petitioner has made out a case for grant of concession of regular bail.

In view of the above, without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and 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.

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

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

(ALOK JAIN)
JUDGE

March 29, 2023
Parul

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