

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

CRM-M-48464-2022

Date of Decision: 25.09.2023

AMRIK SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. F.S.Virk, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.
Mr. Chetan Goyal, Advocate for the complainant.
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VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 47 dated 21.05.2022 under Sections 354-A, 346 and 506 IPC (Section 346 IPC deleted later on) and Section 8 of Protection of Children from Sexual Offences Act, registered at Police Station Sanaur, District Patiala.

2. Custody certificate has been taken on record.

3. Learned counsel for the petitioner contends that the allegations against the petitioner are to the effect that the petitioner, who is maternal uncle of the victim, aged about 17 years had inappropriately touched her. The allegations are to the effect that the petitioner was in relationship with the elder sister of the victim. The victim had seen them in objectionable position. There are also allegations to the effect that the petitioner had kept the elder sister of the victim somewhere. During the course of trial, the statement of the victim and the complainant i.e. her mother has been recorded. The elder sister of the victim is presently residing in the house of her maternal grand-father. The petitioner is in custody for a period of 1 year, 3 months and 15 days.

4. Learned State counsel has not disputed the fact that the elder

sister of the victim is residing in the house of her maternal grand-father but has opposed the bail application on the score that the victim and the complainant have supported the allegations against the petitioner even during the course of trial. Moreover, out of 14, 2 witnesses have been examined.

5. It is significant to note that the petitioner is in custody for a period of 1 year, 3 months and 15 days and not involved in any other case. The allegations against the petitioner are with regard to sexual harassment caused to the victim, who is aged about 17 years and is his niece. Still 12 witnesses remain to be examined. The statement of the victim and her mother have been recorded. As such, it cannot be said that the petitioner can, in any manner, win over or influence them. Moreover, the petitioner is stated to be residing separately from the victim and her mother. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

6. 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.

7. The petition is allowed.

25.09.2023

Janki

**(VIVEK PURI)
JUDGE**

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