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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49906-2022

Date of Decision:- 31.05.2023

Sukhvir Singh alias Sukha

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. P.S. Jammu, Advocate
for the petitioner.

Mr. Vinay Kumar Gupta, AAG Punjab.

AMARJOT BHATTI, J. (Oral)

1. The petitioner – Sukhvir Singh alias Sukha has filed petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 176 dated 22.07.2022 (Annexure P-1) under Section 8, 11 of POCSO Act and Section 452, 354, 354-A of I.P.C. registered at Police Station Shahkot, District Jalandhar.

2. The facts of the case are that the prosecutrix gave her statement to the police that her date of birth is 03.08.2006. She was studying in 10+2 class in Senior Secondary School, Talwandi Madho. On 22.07.2022, she was alone in the house. At about 10:30 A.M. Sukhvir Singh @ Sukha came inside the house as the gate of the house was open. She was perplexed. He caught hold of her forcibly and started doing wrongful act. She raised alarm and on this her uncle Mangal Singh came there. Sukhvir Singh @ Sukha pushed her aside. Her uncle tried to catch hold of him but he managed to run away from there. With these allegations, present FIR has been registered.

3. Learned counsel for the petitioner argued that all the allegations

levelled against him are false. He was arrested on 22.07.2022. The investigation has been completed and the challan was presented. Even otherwise the statements of material witnesses have been recorded. He is ready to abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

4. The bail application is opposed by learned counsel representing the State. Detailed status report is filed in which it is confirmed that after completion of investigation, challan is already presented. The statement of victim was recorded under Section 164 Cr.P.C. where she has reiterated her previous version. After the framing of charge-sheet, her statement has been recorded in the Court where she again corroborated the prosecution version. The allegations are specific and serious in nature. Therefore, the petitioner is not entitled to be released on regular bail.

5. I have considered the arguments and have gone through the record carefully. As per the custody certificate, the petitioner was sent to judicial custody on 23.07.2022 and till date he is behind the bars. The perusal of record further shows that the statement of prosecutrix/victim has been recorded as PW1 where she has supported the prosecution version. Apart from this, the statement of complainant as PW2 is also recorded. The statements of both the material witnesses have been recorded. The trial of this case is likely to take some time. It is not the case that the petitioner can influence the witnesses. No purpose would be served by keeping him behind the bars for indefinite time period. Therefore, without commenting on the merits of the case, the regular bail application filed by the petitioner – Sukhvir Singh alias Sukha is allowed. He is ordered to be released on bail on furnishing personal bonds/surety bonds to the satisfaction of trial Court/Duty Judge concerned.

The petition is accordingly, accepted.

31.05.2023
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(AMARJOT BHATTI)
JUDGE

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