

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**220****CRM-M No.48949 of 2023 (O&M)
Date of Decision : 08.12.2023**

Gurmeet Singh @ Mauli

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. G.S. Dhot, Advocate for the petitioner.

Mr. Harjinder Singh Sidhu, AAG Punjab.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.57 dated 03.05.2023 under Sections 354 and 506 of the Indian Penal Code, 1860 and Section 8 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Amloh, District Fatehgarh Sahib.

2. Learned counsel for the petitioner would contend that the petitioner has been in custody since 04.05.2023 and that a totally false case has been planted upon him. It is further the contention that there is a political rivalry inasmuch as during the last *Panchayat* elections in the village the mother of the petitioner had defeated the complainant, who were both contesting for the post of *Panch* in Ward No.04 (SC Women) Gram Panchayat Noorpura, District Fatehgarh Sahib. Learned counsel for the petitioner has further contended that though the allegations have been made

that the victim was hit on her chest and pinched on her chest, however, medical does not support the said allegation.

3. Learned State counsel on instructions from ASI Sudesh Kumari has stated that out of 13 prosecution witnesses 04 stand examined. The complainant and the victim both stand examined and cross-examined and they have fully supported the prosecution version. Father of the victim also stands examined in the present case. Custody certificate has been filed by learned State counsel as per which the petitioner has been in custody for a period of 07 months and 07 days.

4. I have heard learned counsel for the parties.

5. In the present case the petitioner has been in custody for a period of 07 months and 07 days. Though in the FIR it has been stated that the victim had been molested and her chest had been pinched, however, no injury was found on the victim during her medical conducted on the next day i.e. 04.05.2023. The complainant as well as the victim stand examined and cross-examined and father of the victim has also been examined.

6. In view of the above and without commenting upon the merits of the case, I deem it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off. Pending applications, if any, also stand disposed off.

08.12.2023
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO