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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50086-2023

Date of Decision:- 29.11.2023.

Sandeep Saini

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. S.K. Chaudhary, Advocate for the petitioner.

Mr. Rozer Kumar Aggarwal, AAG, Punjab.

AMARJOT BHATTI, J. (Oral)

1. The petitioner – Sandeep Saini has filed the instant 2nd petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in FIR No. 108 dated 16.08.2020 registered under Sections 363, 376, 376-D of IPC and Section 6 of POCSO Act, 2012 at Police Station Taragarh, District Pathankot.

2. The facts of the case are that Dev Raj father of the victim gave his statement to the police that the victim is his daughter aged about 15 years. On 14.08.2020 at about 11:00 AM, the victim had gone outside the house for some work and when she did not return back after 15/40 minutes, he and his family started searching her. At about 8:45 PM, he was standing at Dhobara Pulli where he saw a motorcycle coming from the side of Pathankot on which his daughter was pillion rider. On seeing him, the motorcyclist pushed his daughter and managed to escape on his motorcycle No.PB-35-W-6669. The said boy was known to him earlier

who was namely Sandeep Saini. With these allegations the present FIR has been registered.

3. Learned counsel for the petitioner argued that Sandeep Saini was arrested in this case on 22.08.2020 and till date he is behind the bars. The allegations levelled against him are false. All the material witnesses have been examined during the trial and they have not supported the version of prosecution. The statements of father as PW-1, victim as PW-2 and mother of the victim as PW-3 are Annexure P-2 to Annexure P-4. The present petitioner is ready to abide the terms of the bail order. His regular bail application has been wrongly declined by the learned Additional Sessions Judge, Pathankot vide order dated 21.09.2022, which is Annexure P-5. Prior to this, he had filed regular bail bearing CRM-M-49529-2022 which was dismissed as withdrawn vide order dated 27.03.2023, which is Annexure P-6. It is prayed that his second regular bail application may be allowed.

4. The learned counsel representing the State has filed detailed status report confirming that after completion of investigation challan was presented in the Court on 15.09.2020 and till date six prosecution witnesses have been examined. The custody certificate is also placed on record. It is prayed that there are specific serious allegations against the present petitioner, therefore his regular bail application may be declined.

5. I have considered the arguments and have gone through the record carefully. As per the custody certificate, the present petitioner is behind the bars for 03 years 03 months and 02 days. It is a matter of record that the statements of material witnesses i.e. Dev Raj father of the victim as PW-1, victim as PW-2 and mother of the victim as PW-3 have

been recorded completely and they have not supported the prosecution case. The statements of these witnesses will be considered at a relevant time by the learned trial Court. The present petitioner cannot be kept behind the bars for indefinite time period.

Considering these facts, without expressing my mind on the merits of the case, the 2nd regular bail application filed by the present petitioner-Sandeep Saini is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

The petition is accordingly, accepted.

Pending application(s), if any, shall also stands disposed of.

29.11.2023

Sunil Devi

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned
Whether reportable

:Yes/No
:Yes/No