

2023:PHHC:084302

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

CRM-M-52496-2022

Date of Decision: 05.07.2023

ASHOK DODA

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Impinder Singh Dhaliwal, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in the case bearing FIR No.93 dated 18.05.2022 under Section 354 IPC and Section 8 of the Protection of Children from Sexual Offences Act for short ('POCSO Act'), (Section 8 of the POCSO Act has been deleted and Section 10 of the POCSO Act has been added later on) registered at Police Station City-1, Abohar, District Sri Muktsar Sahib.

2. Custody certificate has been placed on record.
3. Learned counsel for the petitioner contends that the allegations against the petitioner are with regard to aggravate sexual assault upon the victim, who is aged about 10 years. It has been submitted that the petitioner in custody for a period of 01 year, 01 month and 15 days and not involved in any other case. During the course of trial, the statement of the victim and complainant has been recorded. The petitioner is running kiriyana shop and some money was due payable by the parents of the victim to him. When the petitioner had raised demand for the money, he has been falsely implicated in the instant case.

4. Learned State counsel has opposed the bail application on the score that the victim was aged about 10 years and out of 8, 02 witnesses have been examined.
5. It is significant to note that the statement of the complainant and victim has been recorded. As such, it cannot be said that the petitioner, in any manner, can influence or win over the witnesses. The petitioner is in custody for a period of 01 year, 01 month and 15 days and 06 witnesses still remain to be examined. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.
6. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

05.07.2023
smriti

(VIVEK PURI)
JUDGE

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