

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-52435-2022

Date of decision: 18.01.2023

Kuldeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms.Vishayjeet Singh Rishi, Advocate for the petitioner.

Mr.Amit Rana, Sr.DAG Punjab for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

This is the third petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.171 dated 15.10.2020 lodged under Sections 363, 366-A, 342, 376, 506, 34 of the Indian Penal Code, 1860 and Section 6 of the Prevention of Children from Sexual offences Act registered at Police Station Tibba, District Ludhiana (Punjab).

Learned counsel for the petitioner submits that the petitioner, who has been in custody since 16.10.2020, has been falsely implicated in the case in hand on the allegations of having first befriended the victim and thereafter subjected her to repeated sexual assault. Learned counsel submits that infact the petitioner and the victim were in a relationship with each other which subsequently turned sour, and it was as a result of the same that the FIR in question was registered wherein totally fabricated allegations were levelled

against him. He submits that only two out of fifteen prosecution witnesses cited, have been examined so far including the victim. He submits that in the circumstances, there is no likelihood of trial concluding in the near future coupled with the fact that as the sole material witness i.e. the victim has been examined, there is no likelihood of the petitioner influencing her to depose in his favour.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, has submitted that not only serious and specific allegations have been levelled against the petitioner of violating the person of the victim, who admittedly was a minor, but still further after putting her under threat he had pressurised her to steal gold jewellery etc. from her house which was then sold by him in a jewellery shop. Learned State counsel has controverted the submissions made by the counsel opposite that trial shall take considerable time to conclude by submitting on instructions, that the prosecution evidence is nearing conclusion as only one prosecution witness remains to be examined. It has also been submitted that there is another criminal case i.e. FIR No.139 dated 01.01.2019 registered under Sections 379/411 IPC at Police Station Tibba, Ludhiana (Punjab) against the petitioner.

I have heard learned counsel for the parties and perused the material placed on record.

Prima-facie, there are serious and specific allegations levelled against the petitioner of having subjected a minor to repeated sexual assault and still further, the victim while stepping into the witness box, supported the case of the prosecution in its entirety. Furthermore, only one prosecution witness remains to be examined, hence, trial will not take much time to conclude. This Court,

thus deem it fit to extend the concession of bail to the petitioner.

Dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

18.01.2023
Meenu

(MANJARI NEHRU KAUL)
JUDGE

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