

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 216

Criminal Miscellaneous No.M-54284 of 2022 (O&M)

Date of Decision: *February 13, 2023*

Sohan Singh @ Sohna

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Ms. Gurmeet Kaur, Advocate for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

. . .

Tribhuvan Dahiya, J (Oral)

CRM-3805-2023

Notice of the application.

1. Learned State counsel accepts notice of the application.
2. By way of this application, the applicant-petitioner is seeking necessary corrections in petition for mentioning correct provision of law. The application is allowed and the corrected petition, i.e., CRM-M-54284-2022, is taken on record.

Main case

3. This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.72 dated 21.04.2022, under Sections 451, 354-B IPC and Section 12 of POCSO Act, 2012, registered at Police Station Sultanpur Lodhi, District Kapurthala.
4. The allegations against the petitioner as per the FIR are, he went into the complainant's house by pushing the gate, caught hold of her minor daughter and started thrashing her. Somehow, the daughter escaped

the petitioner’s grip but he tore her clothes/t-shirt also from neck and attempted to develop physical relations with her. He also allegedly tried to commit rape upon her.

5. Learned counsel for the petitioner contends that the allegations are false as the petitioner and the complainant’s daughter were known to each other and he had gone to meet her only. Besides, even as per the allegations, the offences are not made out against the petitioner as he allegedly only torn t-shirt of the complainant’s daughter. Besides, investigation of the case is over, as challan has been filed on 07.08.2022.

6. Learned State counsel, on instructions from ASI Shanker Singh, submits that charges will soon be framed in the case and trial is going to commence thereafter. On this account, he opposes the grant of bail to the petitioner.

7. Since investigation of the case is already over as the challan stands filed, and conclusion of the trial will take long time, no useful purpose will be served by confining the petitioner to custody during trial.

8. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on furnishing of requisite bonds/sureties to the satisfaction of trial Court/Duty Magistrate concerned.

(Tribhuvan Dahiya)
Judge

February 13, 2023
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<u>Whether Speaking/ Reasoned:</u>	<u>Yes/ No</u>
<u>Whether Reportable:</u>	<u>Yes/ No</u>