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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54702-2022 (O&M)
Date of decision : 05.10.2023

Manjit Singh ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Anshuman Dalal, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

ALKA SARIN, J. (ORAL)

CRM-41755-2023

This is an application for amendment in the head-note and prayer clause of the main petition as the petitioner has been charge-sheeted under Sections 354-A, 354-D read with Section 120-B Indian Penal Code, 1860 and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

For the reasons stated in the application, the same is allowed.

Registry to carry out the necessary corrections.

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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.11 dated 31.08.2022 under Section 354-A, 354-D read with Section 120-B of the Indian Penal Code, 1860 and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (Section 336 IPC and Sections 25, 27 of the Arms Act, 1959 were deleted), registered at Police Station Ghuman, District Batala (Annexure P-1).

2. The allegations in the FIR were that the complainant stated that her daughter was 15 years old and studying in 9th Class. The petitioner herein i.e. Manjit Singh frequently visited the house of the neighbourer - Jobandeep Singh - and earlier also the petitioner used to misbehave with her daughter. Despite trying to make him understand, he did not mend his ways. On 31.08.2022 at about 08.00 AM the husband of the complainant went to the school of the daughter for paying the school fee where he saw his daughter getting down from the school bus and going inside the school. There the petitioner came on a Splendor motorcycle and grabbed the arm of his daughter and started doing obscene acts with her. His daughter created a ruckus and her husband saved the daughter from the clutches of the petitioner.

3. Learned counsel for the petitioner would contend that the petitioner has been implicated in a totally false case. It is further the contention that the complainant in the present case has since expired and the statement of the victim was recorded as PW3 before the Court wherein she in her cross-examination has stated that she does not know the present petitioner and that she has seen the present petitioner for the first time in

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Court. It was further stated by the victim that when she visited the police station on 31.08.2022, the Police recorded her statement on their own and she was just made to sign on the said statement. Learned counsel would further contend that the petitioner has been in custody for a period of 01 year 01 month and 02 days and that there is no other case pending against him.

4. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 01 year 01 month and 02 days and there is no other case pending against him. Learned counsel for the State is not in a position to deny the fact that the victim in the present case did not recognize the petitioner herein and has infact stated that she has seen him for the first time in Court on the day of the cross-examination.

5. Heard.

6. In the present case though the allegations have been made against the petitioner of having molested the victim and it was supported by her statement recorded under Section 164 CrPC however, subsequently, in her cross-examination, she has stated that she does not recognize the present petitioner and she has seen him for the first time in Court. She has also stated that her statement was recorded by the Police on their own and she was just made to sign the said statement. As per the custody certificate, the petitioner has been in custody for a period of 01 year 01 month and 02 days and there is no other case pending against him. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

7. In view of the above and without commenting upon the merits of the case, this Court deems 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.
8. 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.
9. 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.
10. Disposed off. Pending applications, if any, also stand disposed off.

05.10.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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