

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

220

CRM-M-57214-2022
Date of Decision:-20.02.2023

Jagdev Singh alias Jagga

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Brijesh Nandan, Advocate for the petitioner.

Mr. Arun Gupta, AAG, Punjab.

ALOK JAIN, J. (Oral)

Prayer is for grant of regular bail to the petitioner in case FIR No. 171 dated 19.05.2020, under Sections 363/366/376 and 120-B of IPC Sections 3 and 4 POCSO Act, 2012, registered at Police Station Maqboolpura, Amritsar (Annexure P-1).

Learned counsel for the petitioner submits that the entire FIR borne out of the dispute between the father of the prosecutrix, who is the Granthi of the Gurudwara and the petitioner as well as the other co-accused, who were also working in the Gurudwara and the basic dispute is with regard to the donation, which the father of the prosecutrix restricted the accused from distributing. The said argument is negated for the reasons that no father will get her daughter impleaded and get raped, whereby, the serious allegations of Section 376 of IPC are leveled against the petitioner, who throughout the commission of the offence was with the main accused.

Learned State counsel has filed the custody Certificate, according to which, the petitioner is in custody for the last 01 year, 07 months and has further submitted that there are total 18 witnesses out of which 05 witnesses have been examined and the next date of hearing is 15.03.2023 before the trial Court. He further submits that the petitioner is also facing trial in another FIR under Section 25 of the Arms Act, in which he has not been granted bail.

On the strength of the above, learned State counsel has vehemently opposed the grant of regular bail to the petitioner on the ground that there is such close relationship, which has been destroyed by the act of the petitioner and there is every likelihood that the petitioner might tamper with the evidence or induce the witnesses directly or indirectly.

Keeping in view the facts and circumstances of this case, this Court is of the considered view that the petitioner does not deserve for concession of regular bail.

Accordingly, the present petition is dismissed.

(ALOK JAIN)
JUDGE

20.02.2023

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Whether speaking/reasoned:- Yes/No

Whether Reportable:- Yes/No