

2023:PHHC:153004

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

CRM-M-55069-2023

Date of Decision: 01.12.2023

JORA SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No.48 dated 13.03.2023 under Sections 341/354/354-D IPC and Section 8 of the POCSO Act registered at Police Station Sadar Patti, District Tarn Taran.

2. Short reply by way of affidavit of Jaspal Singh Dhillon, Deputy Superintendent of Police, Sub Division Patti, District Tarn Taran and custody certificate have been placed on record.

3. Learned counsel for the petitioner contends that as per the allegations, the petitioner had caused sexual harassment to the victim, who is aged about 14 years. The allegations are to the effect that the petitioner had been teasing the victim at the earlier instance also but the incidents were never disclosed to anyone. The charge was framed on 31.05.2023 and despite five opportunities, the victim and complainant are not turning up for getting their statements recorded. The petitioner is in custody for a period of 08 months and 20 days and not involved in any other case.

4. Learned State counsel has opposed the bail application on the score that the victim was 14 years old and her statement in the trial Court is yet to be recorded.

5. It is significant to note that on the previous date of hearing, it was submitted by the learned State counsel that next date of hearing in the trial Court is 24.11.2023 and endeavor shall be made to get the statement of the victim recorded on that date. Significantly, the statement of the victim has not been recorded on that date. The charge was framed on 31.05.2023. The prosecution witnesses including the victim and the complainant have not turned up to get the statements recorded in the trial Court, despite five opportunities. The petitioner is in custody for a period of 08 months and 20 days and not involved in any other case.

6. Keeping in view the period of incarceration undergone by the petitioner and the fact that victim and complainant are not appearing in the trial Court for getting their statements recorded despite five opportunities, sufficient grounds are made out to extend the concession of bail to the petitioner.

7. 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.

01.12.2023
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(VIVEK PURI)
JUDGE

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