

CRM-M-58533-2022

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

(216)

CRM-M-58533-2022.
Date of Decision:-27.03.2023.

Gagandeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Karnesh Verma, Advocate for the petitioner.

Mr. Arun Gupta, AAG, Punjab, assisted by
ASI Jagdish Kumar.

ALOK JAIN, J. (Oral)

The present petition is for grant of regular bail to the petitioner in case FIR No.28 dated 07.02.2022 (Annexure P-1), under Sections 363, 366-A and 376 of IPC and under Section 4 of the POCSO Act, 2012, registered at Police Station City Samana, District Patiala, Punjab.

Learned counsel for the petitioner has vehemently argued that the petitioner and the prosecutrix were in a relationship and as per the testimony of the prosecutrix herself, she was never taken or enticed away, moreso, in the cross-examination, she submitted that as per the information given by her parents, her age was 19 years. She further submitted that it was correct that she had gone with the accused out of her own will to perform marriage and the accused did not forcibly make any physical

CRM-M-58533-2022

relation with her.

Per contra, learned counsel for the State has filed the custody certificate, according to which the petitioner is in custody for the last 01 year and 16 days. Learned State counsel does not deny the testimony of the prosecutrix, however, submits that as per the medical evidence, the DNA matches.

Heard the learned counsel for the parties.

Without commenting on the merits of the case, the petitioner being a young boy of 21 years, I do not find any ground for keeping him inside custody, as all the material witnesses have been examined and the trial is likely to take some time.

In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. He shall, however, be released on the following conditions:

1. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
2. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
3. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
4. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed

CRM-M-58533-2022

in addition to Section 439 of Cr.P.C.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

(ALOK JAIN)
JUDGE

March 27, 2023.

Sandeep

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