

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

CRM-M-17748-2024
Date of Decision: 18.04.2024

Gurjot Singh alias Jyoti ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Kishan Garg, Advocate,
for the petitioner.

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.137 dated 20.09.2023 registered under Sections 377, 34 of IPC, Section 6 of Protection of Children from Sexual Offences Act, 2012, at Police Station Amloh, District Fatehgarh Sahib.

2. Learned counsel for the petitioner contends that the alleged occurrence had taken place on 12.08.2023 and as per the complainant, the victim had disclosed the incident to his father on 14.08.2023. Still the FIR in the present case was got registered by the complainant on 12.09.2023 i.e. after a delay of about 39 days of the alleged occurrence. Learned counsel further contends that in fact the complainant and the petitioner are neighbours and due to some old enmity, the petitioner has been falsely involved in the present case.

Learned counsel further contends that after registration of the FIR, the medico

legal report dated 21.09.2023 (Annexure P-2) was prepared by the doctors, which apparently does not support the case of the prosecution and rather exposes the falsehood of the case. As per learned counsel, the petitioner was arrested in the present case on 25.09.2023 and is in custody for the last about 7 months. He further contends that the final report under Section 173 Cr.P.C. has already been presented before the Court and no witness has been examined so far.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner.

4. I have heard the learned counsel for the parties and perused the record.

5. The petitioner, no doubt is charged with a serious offence, however, the petitioner has made submissions, which compete in probability with the prosecution version. However, both the versions will be subject matter of trial and adjudication by the trial Court. The petitioner was arrested in the present case on 25.09.2023 and no witness has been examined so far. Thus, no purpose will be served by keeping the petitioner behind bars.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

18.04.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No