

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:116732



CRM-M-18140-2024 (O&M)
DATE OF DECISION : 05.09.2024

GURDEEP KUMAR

... PETITIONER

V/S

STATE OF PUNJAB & OTHERS

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. Petitioner is seeking regular bail in case bearing FIR No. 30 dated 14.02.2023 under Sections 363, 366, 376 IPC & Section 4/6 of Protection of Children from Sexual Offences Act, registered at Police Station Phillaur, District Jalandhar.
2. Custody certificate has been taken on record.
3. It has been pointed out by learned counsel for the petitioner that though the examination-in chief of the prosecutrix (PW-1) (Annexure P-3) was recorded on 17.07.2023, however, she has not turned up for her cross-examination. On 17.07.2023, the cross-examination was deferred, as the witness submitted that she is not feeling well. It is contended that the petitioner is in custody for a long period.

4. Learned State counsel has submitted the custody certificate reflecting the custody period of the petitioner as 1 year, 06 months and 07 days. As per the Zimney order (Annexure P-4), the statement of the material witnesses have already been recorded except for cross-examination of the prosecutrix.

5. I have considered the aforesaid contentions and perused the record.

6. As per the version of the minor prosecutrix, she passed out 12th class in the year 2022. In February, 2023, she was doing computer course. On 10.02.2023, when she was coming back to home after attending the classes, the petitioner who is uncle of the prosecutrix met her on the way and he called her and told the prosecutrix that he would drop her home on his motor-cycle. However, the petitioner took her to bus stand, Phillaur and she was given a drink and she became unconscious. Thereafter, she was taken to Naina Devi in a bus where they stayed in a hotel. The petitioner is alleged to have developed physical relationship with the prosecutrix by giving her threats. She was made to stay in the hotel for 04 days. As per the version of the prosecutrix, on 15th day i.e. 24.02.2023, the police came and petitioner was arrested from Jawala Ji and she was recovered from the possession of the petitioner. As per the version of the prosecution, medical examination of the prosecutrix was also conducted. The trial is almost complete.

7. Keeping in view the relationship between the petitioner with the prosecutrix and keeping in view the age of the petitioner and the prosecutrix,

I am of the considered opinion that the allegations against the petitioner are

serious in nature. As such, he is not entitled for bail. However, in view of the fact that petitioner is in custody for a period of more than 01 year and 6 months, it is a fit case for issuance of direction to the learned trial Court to expedite the trial.

8. Consequently, the present petition stands disposed of with a direction to the trial Court to conclude the trial within a period of 6 months from today. Investigating agency to ensure the production of the remaining witnesses before the trial Court.

05.09.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

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