

Sr. No.216

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18522-2023
Date of decision: 01st April, 2024

GURJANT SINGHPetitioner

versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ashok Bhardwaj, Advocate
for the petitioner.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.38 dated 21.02.2023, under Sections 376, 384, 120-B of IPC, registered at Police Station Kotwali, District Patiala (Annexure P-1).
2. Learned counsel for the petitioner *inter alia* contends that the petitioner is in custody since 21.02.2023 i.e. for a period of more than 01 year 01 month and 07 days. He has been falsely implicated in the present case. The petitioner is married and having 02 children. Challan has already been presented before the trial Court and statement of the prosecutrix has also been recorded during trial.
3. Learned State counsel has opposed the present petition on the ground of gravity of allegations levelled against the petitioner. Learned State counsel has confirmed that out of 19 prosecution witnesses, 04 have already been examined by the trial Court after presentation of challan/final report under Section 173 Cr.P.C.

5. As per the FIR (Annexure P-1), initially the matter was reported by the victim alleging that the victim and the wife of the petitioner used to visit each other's house and they are neighbours. The wife of the petitioner often used to take the mobile phone of the victim for making phone calls. The victim got suspicious that the petitioner and his wife have scanned her mobile phone or noted down the mobile phone numbers of her relatives and transferred the photographs of the victim from her phone. It is also contended that the petitioner clicked some photographs of the victim and edited the said photographs and thereafter, started blackmailing her, due to which, the victim apprehended threat to her life and liberty. However, subsequently, when her statement was recorded under Section 164 Cr.P.C., the victim levelled allegations of sexual abuse at the hands of the petitioner.

6. Investigation is complete. The petitioner is in custody since 21.02.2023. As per the custody certificate, the petitioner is in custody for a period of 01 year 01 month and 07 days. The learned counsel for the petitioner has submitted a certified copy of the statement of the victim (PW-1) which has already been recorded by the trial Court.

7. The allegations of the victim and the contentions raised by the petitioner are matter of trial. Statement of the prosecutrix has already been recorded. Out of total 12 prosecution witnesses, only 04 have been examined. Conclusion of trial is likely to take time. There is no apprehension of absconding the petitioner. No purpose would be served by keeping the petitioner in custody during the trial, as such, without commenting on the merits of the case and keeping in view the above facts, the present petition is allowed.

8. The petitioner is ordered to be released on regular bail, subject to his
furnishing adequate bonds/surety to the satisfaction of the trial Court/CJM,
concerned.
9. All the pending miscellaneous applications, if any, shall stand disposed
of.

(HARPREET KAUR JEEWAN)
JUDGE

01st April, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>