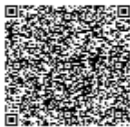


CRM-M-28224-2024 (O&M)

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:109931



CRM-M-28224-2024 (O&M)
DATE OF DECISION : 27.08.2024

MOHIT @ GOLU ... PETITIONER
V/S
STATE OF PUNJAB AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Rishi Pal Chaudhary, Advocate with
Mr. Ram Chander, Advocate for the petitioner.
Mr. Akshay Kumar, AAG, Punjab assisted by
ASI Hardeep Singh.

* * *

HARPREET KAUR JEEWAN, J. (ORAL)

CRM-25241-2024

1. By way of present application, the petitioner seeks to add 3 other cases pending against the petitioner i.e. FIR No. 164 dated 23.06.2021 under Sections 452, 323, 427, 506, 148, 149 IPC, registered at Police Station Gate Hakima, Commissionerate Amritsar, FIR No. 203 dated 13.07.2023 under Sections 21-C/29 of NDPS Act, registered at Police Station STF, SAS Nagar, Mohali and FIR No. 54 dated 06.09.2023 under Section 379 IPC, registered at Police Station GRP, District Amritsar.
2. Petitioner is permitted to rectify the present petition.
3. Corrected petition is allowed to be taken on record.
4. Registry is directed to tag the same at the appropriate place.
5. Disposed of.

Main case

CRM-M-28224-2024 (O&M)

6. The instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No. 208 dated 10.11.2019 under Sections 363, 366, 376, 120-B IPC and Sections 4 and 6 of Protection of Children from Sexual Offences Act, registered at Police Station Gate Hakima, Amritsar

7. Custody certificate dated 26.08.2024 has been taken on record. As per the custody certificate, the petitioner has undergone 11 months and 02 days of custody.

8. Learned counsel for the petitioner *inter alia* contends that the only allegation against the petitioner is that he had assisted his co-accused Ashu and kept him as well as the prosecutrix in his house for 3 nights. However, co-accused Ashu has been acquitted by the trial Court under Sections 120-B, 201, 376-D IPC as per the judgment dated 02.03.2023 (Annexure P-4). The petitioner is in custody for more than 11 months.

9. Learned State counsel has opposed the bail application and contends that the petitioner was declared proclaimed offender on 30.09.2021 and he has been arrested on 24.09.2023. However, this fact has been confirmed that out of 21, none of the prosecution witnesses have been examined.

10. I have heard the counsel for the parties and considered the facts on record.

11. As per the status report, in the statement of the victim recorded under Section 164 Cr.P.C. on 11.11.2019, the only allegation against the petitioner is that co-accused-Ashu kept the prosecutrix in the house of the petitioner-Mohit @ Golu where the wife of the petitioner was also residing.

CRM-M-28224-2024 (O&M)

12. Learned State counsel has confirmed that no recovery of revolver as alleged in the statement recorded under Section 164 Cr.P.C. was effected from the petitioner. The age of the prosecutrix was between 17 to 19 years at the time of alleged occurrence. Though the petitioner was declared proclaimed offender and he is having history of 3 other cases, however, the said cases are of different nature and at present a substantial period of custody is there. The petitioner is able to make out a case for bail since none out of 21 prosecution witnesses have been recorded. The conclusion of the trial is going to take time. Consequently, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

13. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

14. Pending miscellaneous application(s), if any, shall stand disposed of.

27.08.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

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