



**106+204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-23882-2024 in/&
CRM-M-30820-2023 (O&M)
DATE OF DECISION : 31.05.2024**

**SACHIN SHARMA ... PETITIONER
STATE OF PUNJAB V/S ... RESPONDENT**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

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

Ms. Sakshi Bakshi, AAG, Punjab.

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HARPREET KAUR JEEWAN, J. (ORAL)

CRM-23882-2024

1. This is an application for placing on record the documents, Annexures P-4 to P-6. The same are allowed to be taken on record.
2. Registry is directed to tag the same at the appropriate place.
3. Disposed of.

Main case

4. 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. 47 dated 20.03.2023 under Sections 363, 366-A and Section 4 of Protection of Children from Sexual Offences Act, registered at Police Station Samana, District Patiala.

6. On the asking of the Court, Ms. Sakshi Bakshi, AAG, Punjab accepts notice on behalf of the respondent-State.

7. Custody certificate dated 29.05.2024 has been filed on behalf of the respondent-State, which is taken on record. As per the custody certificate, the petitioner has undergone 01 year, 02 months and 07 days of custody.

8. Learned counsel for the petitioner *inter alia* contends that there are no allegations of sexual abuse against the petitioner. The main accused (juvenile) who has allegedly committed the offence of sexual assault has already been released on bail by the Juvenile Justice Board. The petitioner was arrested on 22.03.2023 and he is on bail since then. It has been further informed that the statements of the prosecutrix and the complainant have also been recorded during the trial (Annexure P-5 and P-6).

9. Learned State counsel has opposed the bail application on the ground that the prosecutrix is minor.

10. I have considered the aforesaid contentions and perused the paper book.

11. Investigation is complete and final report/challan under Section 173 Cr.P.C. has already been presented before the trial Court. The petitioner is in custody for a last 01 year, 02 months and 07 days, as per the custody certificate dated 29.05.2024. There are no allegations of sexual abuse against the petitioner. The trial is going to take time.

12. In view of the above, 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.

31.05.2024
Janki

(HARPREET KAUR JEEWAN)
JUDGE

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