



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

220 (2 Cases)

**1. CRM-M-36264-2024 (O&M)
DATE OF DECISION:03.12.2024**

GURPREET SINGH **Petitioner(s)**

Vs.

STATE OF PUNJAB AND ANR **Respondent(s)**

**2. CRM-M-36268-2024 (O&M)
DATE OF DECISION:03.12.2024**

SURJIT SINGH **Petitioner(s)**

Vs.

STATE OF PUNJAB AND ANR **Respondents(s)**

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. B.S. Bhalla, Advocate for the petitioner(s).

Mr. Satjot Singh, AAG, Punjab.

Ms. Amarjot Kaur, Advocate for respondent no.2.

MANISHA BATRA, J. (Oral)

CRM-44021-2024 in CRM-M-36264-2024

The application has been filed for placing on record the statement of Gurpreet Kaur and the statement of victim as Annexure P-4 and P-5, respectively.



For the reasons stated in the application, the same is allowed, subject to all just exceptions. Documents annexed with the application are ordered to be taken on record as Annexure P-4 & P-5.

Main Case

1. This common order shall dispose of the aforementioned two petitions which have been filed by the petitioners seeking benefit of regular bail in case arising out of FIR No.90 dated 10.05.2024 under Section 6 of Protection of Children from Sexual Offences Act (Amended), 2012 and under Section 67(A) of Information Technology Act, 2000 registered in Police Station City Moga, District Moga.

2. Brief facts of the case relevant for the purpose of disposal of these petitions are that the aforementioned FIR had been registered on the basis of complaint lodged by the complainant-‘G’ (name withheld) alleging therein that the victim-‘M’(name withheld) who was her minor son had been made to do wrong acts by the petitioner Surjit Singh with the support of the petitioner Gurpreet Singh who is her husband. She alleged that the petitioner Gurpreet Singh was addicted to consume liquor. Her son disclosed that previously, he was forced by both the petitioners to do acts of carnal intercourse against the course of nature/penetrative sexual assault and the said acts had been committed by the petitioner Surjit Singh on the instigation of the petitioner



Gurpreet Singh. It was also alleged that the petitioner Gurpreet Singh had even prepared the video of the acts so committed.

3. After registration of FIR, investigation proceedings were initiated. The petitioners were arrested on 11.05.2024. Investigation has since been completed and the petitioners are facing trial for commission of offences punishable under Section 15 of Protection of Children from Sexual Offences Act (Amended), 2012 and under Section 67(A) of Information Technology Act, 2000.

4. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. They are in custody since long. Neither the complainant nor the victim has supported the prosecution version in their sworn depositions. Their further detention would not serve any useful purpose. It is, therefore, urged that they deserve to be released on bail.

5. *Per contra*, learned State counsel in terms of reply submitted by respondent-State has argued that keeping in view the gravity of the allegations as levelled against the petitioners, they do not deserve to be extended benefit of bail.

6. I have heard learned counsel for both the parties at considerable length and have perused the record carefully.

7. The petitioner Surjit Singh is alleged to have committed of penetrative sexual assault upon the victim whereas the petitioner



Gurpreet Singh is alleged to have possessed pornographic material involving the victim who is a minor child, in his mobile. Copies of the sworn depositions of the complainant and victim have been placed on record which show that neither of them implicated the petitioners in the commission of the said offences and have deposed that no wrong act was committed with the victim by either of the them. The petitioners are in custody since 11.05.2024. Keeping in view the nature of allegations as well as evidence which has come record, the period of incarceration of the petitioners and the attendants facts and circumstances of the case but without meaning to make any comments on the merits of the case, I am of the considered opinion that the petitioners deserve to be released on bail. Accordingly, these petitions are allowed and the petitioners are ordered to be admitted to bail subject to their furnishing personal/surety bonds to the satisfaction of learned trial Court.

03.12.2024

Deepak Patwal

**(MANISHA BATRA)
JUDGE**

- 1. Whether speaking/reasoned : Yes/No*
- 2. Whether reportable : Yes/No*