

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.57400 of 2023
Date of Decision: 11.01.2024

Jaspal Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ranjeet K Jaswal, Advocate,
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
97	06.10.2023	Sudhar, District Ludhiana	354 of IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant “M” (name withheld) alleging therein that her son was running a water filter shop and her daughter “H” (name withheld) also used to sit in the said shop whenever her son was not there. On 01.10.2023, her daughter was looking after the shop alone. At about 11 AM, she went to the printing press of the petitioner to bring

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some water tokens which had been given for printing. As soon as she entered therein, the petitioner caught hold of her hand and while pulling her towards him started fondling her breasts and molesting her. She, however, managed to push him aside and came back home and apprise her about entire facts. She prayed for taking action against the culprit. After registration of the case, investigation proceedings were initiated. The petitioner was arrested on 06.10.2023. Investigation has now been completed and challan has been presented in the Court.

3. It is submitted by learned counsel for the petitioner that he is in custody for a period of about two and half months. His custodial interrogation is no more required. The charges are yet to be framed and trial is likely to take time. He has been falsely implicated in this case. No useful purpose was going to be served by keeping him in custody any more. Therefore, it is argued that he deserves to be given benefit of bail.

4. Status report has been filed by the respondent-State as per which the investigation stands completed and the case is fixed for framing of charge. Learned State counsel has, however, argued that the petitioner molested minor girl when she had gone to his shop and committed a serious offence and, therefore, did not deserve to be extended benefit of bail.

5. I have heard learned counsel for the parties and have perused the record.

6. The petitioner is alleged to have sexually assaulted the victim as on 01.10.2023. Investigation has since been completed. Trial is likely to take time. Keeping in view the period spent by the petitioner in custody, the nature of the allegations as levelled against him and the attendant facts and

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circumstances of the case but without meaning to make any comment on the merits of the case, I am of the opinion that the petitioner deserves to be given concession of bail at this stage. Hence, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

11.01.2024
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(MANISHA BATRA)
JUDGE

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