

Sr. No.219

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60160-2023 (O&M)
Date of decision: 31st January, 2024

JASSA SINGHPetitioner

versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Riffi Birla, Advocate
for the petitioner.

Ms. Himani Arora, A.A.G., 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.33 dated 04.03.2022, under Sections 363, 366-A, 120-B of IPC, registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib (Annexure P-1).
2. It is in allegation against the petitioner that on 02.03.2022, the petitioner, along with his co-accused namely Jaskaran Singh @ Yakki and Rani Kaur, enticed away the minor daughter of the complainant on the pretext of marrying her.
3. Learned counsel for the petitioner *inter alia* contends that the petitioner is in custody since 08.03.2022 i.e. for the last about 01 year 10 months and 26 days. Learned counsel for the petitioner further contends that there are total 21 witnesses and despite the fact that challan was presented on 07.05.2022 and charges were framed against the petitioner on 16.09.2022, no witness has been examined till date. It is further contended on behalf of learned counsel for the

petitioner that as per the medical examination report of the prosecutrix (Annexure P-2), there is no history of sexual or physical assault upon her. As per the statement of the prosecutrix recorded under Section 164 Cr.P.C. (Annexure P-3), the prosecutrix has not alleged any forceful act or sexual assault by the petitioner.

4. On the other hand, learned State counsel opposes the bail on the ground that the prosecutrix is minor and she is yet to be examined. Learned State counsel has filed custody certificate of the petitioner/accused Jassa Singh along with the status report by way of affidavit of Sh. Satnam Singh, PPS, Deputy Superintendent of Police, Sub-Division Sri Muktsar Sahib, on behalf of respondent-State of Punjab and the same are taken on record.

5. Learned State counsel contends that investigation is complete; final report under Section 173 Cr.P.C. has already been presented before the trial Court. The material witnesses, including the prosecutrix, is yet to be recorded.

6. I have heard the aforesaid contentions.

7. Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody for the last 01 year 10 months and 26 days; no witness has been examined till date; the trial will take some time to conclude; and there is no apprehension of absconding the petitioner during the trial, as such, 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.

(HARPREET KAUR JEEWAN)

JUDGE

31st January, 2024

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