



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-32400-2024 (O&M)

Date of Decision:-20.03.2025

Kebal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Manjot Kaur, Legal Aid Counsel for the petitioner.

Mr. P.S. Bhandari, AAG, Punjab.

JASGURPREET SINGH PURI J.(Oral)

1. The present is a first petition filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.13 dated 05.03.2024 under Sections 354 of IPC and Section 8 of POCSO Act, registered at Police Station Sarai Amant Khan, District Tarn Taran.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been in custody for 1 year and 13 days and charges in the present case were framed on 03.06.2024, which is almost 8 months ago. She submitted that although as per zimni orders, the prosecutrix has not been examined but more than 8 months have passed since the framing of the charges and the petitioner has already faced incarceration for more than 01 year. She also submitted that allegations against the petitioner are that on the day of *Shivratri*, the petitioner had taken away the minor girl of the complainant, aged 09 years to the upper floor of the school and had molested her. Thereafter an alarm was raised by her, upon which the petitioner allegedly released her. She submitted



that the petitioner has been falsely implicated in this case and is not involved in any other case. Considering the aforesaid facts and circumstances, where the petitioner has already been in custody for more than one year and is not involved in any other criminal case, he may be considered for the grant of regular bail.

3. On the other hand, learned State counsel submitted that, insofar as the custody of the petitioner is concerned, it is correct, and after framing of the charges on 03.06.2024, only two prosecution witnesses have been examined. He, however, could not state which two witnesses have been examined, but the prosecutrix has not been examined. He also submitted that no medical examination was conducted in the present case because there were no allegations regarding sexual activity, except that allegedly the petitioner had inappropriately touched the prosecutrix on the day of the incident. So far as the antecedents of the petitioner are concerned, he is not involved in any other case

4. I have heard the learned counsels for the parties.

5. It is a case where the petitioner has been in custody for about 01 year and 13 days and as per learned counsels for the parties, after the framing of the charges on 03.06.2024, only two prosecution witnesses have been examined. The petitioner is stated to be having clean antecedents and is not involved in any other criminal case. Allegations against the petitioner are that the petitioner had taken away a minor girl of the age of 09 years on the day of *Shivratri* to the upper floor of the school and inappropriately touched her body parts and bit her on her cheeks and thereafter an alarm was raised by her whereby the petitioner allegedly released the minor child. Furthermore, it is neither the case of learned State counsel nor it has been



argued that if the petitioner is released on bail, he may abscond, flee from justice, influence witnesses, or tamper with evidence. It has also been specifically stated by learned State counsel that the petitioner has clean antecedents. In view of the aforesaid facts and circumstances, where the custody of the petitioner has exceeded 1 year and considering the nature of the allegations against him, this Court is of the view that, it is fit and proper to grant regular bail to the petitioner.

6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

20.03.2025

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