



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

CRM-M-52438-2024 (O&M)

Date of Decision:-20.03.2025

Fateh Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. R.K. Girdhar, Advocate for the petitioner.

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

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner in case bearing FIR No.0093 dated 10.12.2023 under Sections 363 and 366-A of IPC, registered at Police Station Bariwala, District Sri Muktsar Sahib.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been in custody for 1 year, 3 months and 6 days and till date only 1 prosecution witness has been examined. Despite the fact that charges in the present case were framed on 07.03.2024, which is more than a year ago, the only witness examined so far is the doctor. However, no medical examination was conducted in the present case as the prosecutrix refused to undergo medical examination. He also further submitted that the prosecutrix was above the age of 16 years and in her statement under Section 164 of the Cr.P.C., she specifically stated that there was no fault on the part of the petitioner and he had not enticed her away. He further submitted that be that



as it may even otherwise also the petitioner has already faced incarceration for 01 year, 03 months and 06 days and as such 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 it is also correct that only one prosecution witness i.e. the doctor, has been examined despite the fact that more than one year has elapsed since the framing of charges. He submitted that so far as the antecedents of the petitioner is concerned, he is not involved in any other criminal case. However, he opposed the grant of regular bail to the petitioner on the ground that at the time of the occurrence, the prosecutrix was a minor, aged between 16 to 17 years. Therefore, the petitioner does not deserve the concession of regular bail.

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, 03 months and 06 days. As per learned counsels for the parties, the petitioner is not involved in any other case and has clean antecedents. The age of the prosecutrix at the time of the occurrence was stated to be between 16 to 17 years. However, as per learned counsel for the petitioner, when the prosecutrix had given her statement under Section 164 of Cr.P.C. before the learned trial court, she stated that there was no fault on the petitioner's part and he had not enticed her away. In the present case, no medical examination was conducted according to the learned counsels for the parties as the prosecutrix refused to undergo any medical examination. 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. Therefore, considering the totality of circumstances and custody of the petitioner in this case, this Court deems it 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