



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

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**CRM-M-39579-2024 (O&M)
Date of decision: 07.02.2025**

JASBIR SINGH ALIAS KAKKA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Sarvesh Kumar Gupta, Advocate
for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

HARPREET KAUR JEEWAN, J.

1. The present petition has been filed under Section 483 BNSS for grant of regular bail to the petitioner in case bearing FIR No.43 dated 04.04.2022 (Annexure P-1) under Sections 363, 366-A, 120-B IPC and Section 4 of the POCSO Act, 2012 (Sections 376, 506 and 323 IPC added later on), registered at Police Station Kulgari, District Ferozepur.
2. As per the custody certificate, the petitioner has undergone 01 year and 22 days of actual custody.
3. The victim while appearing as PW-4 during the trial bearing *CIS No.SC/125/2022* titled as *State vs. Surinder Singh (co-accused)* gave her version that on 04.04.2022, at about 12.30 pm, when she was returning home from



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school, while she alighted from the bus, she was dragged into a car, which was being driven by co-accused-Gurmeet Singh. Three persons namely Davinder Singh, Surinder Singh and Gurpreet Singh were also present in the said car. She was taken to Amritsar, where Surinder Singh-co-accused committed forcible act with her. On 05.04.2022, co-accused-Surinder Singh along with Manjeet Singh, Jasvir Singh @ Mama and Ranjit Singh took her to Ludhiana in swift car and she also brought to Chandigarh, where Manjeet Singh forcibly obtained her signatures on blank papers. There are allegations that Surinder Singh-co-accused of the petitioner had forcibly committed penetrative sexual assault with the aid of the present petitioner.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he is in custody since 15.01.2024. There are no allegations of sexual abuse against the petitioner. The co-accused-Surinder Singh and victim have jointly filed CRWP-3263-2022 seeking protection on the basis of representation dated 06.04.2022 submitted to the Senior Superintendent of Police, Ferozpur. It is further contended that during the trial against the co-accused, Lakhbir Singh, DW-2-ASI Joginder Singh has proved the said representation.

5. Learned State counsel opposes the grant of bail to the petitioner on the ground that the victim is 16 years of age and with the aid of the present petitioner, she was kidnapped. The allegations of sexual abuse against the co-accused have been proved, as such he has been convicted by the trial Court vide judgment dated 28.04.2023. Copy of the judgment dated 28.04.2023 passed in *CIS No.SC/125/2022* titled as *State vs. Surinder Singh* is submitted in the Court today, which is taken on record.

6. I have heard learned counsel for the parties and have also gone



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through the paper-book.

7. There are no allegations of sexual abuse against the petitioner. The petitioner is in custody for 01 year and 22 days. The investigation is already complete. The final report ('*challan*') under Section 173 Cr.P.C. has already been presented before the trial Court. The conclusion of the trial is going to take time as only 1 witness has been examined yet. As per the custody certificate, the petitioner is not involved in any other case.

8. Keeping in view the above facts and circumstances of the present case, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds and surety bonds to the satisfaction of the trial Court concerned.

9. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

(HARPREET KAUR JEEWAN)
JUDGE

07.02.2025
P.Bhatt

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