

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

CRM-M-42870-2014 (O&M)

Date of Decision: January 16, 2015

Simra @ Simerjeet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.A.P.Kaushal, Advocate
for the petitioner.

Mr.Shilesh Gupta, Additional Advocate General,
Punjab.

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Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 439, Cr.P.C.,
is for grant of regular bail to the petitioner, Simra @ Simerjeet
Singh, who has been booked for having committed the offences
punishable under Sections 354 (D) and 376, IPC, 66A of the IT
Act and 3, 4, 13, 14, 16 and 17 of the Protection of Children from
Sexual Offences Act, 2012, in a case arising out of FIR No.97,
dated 30.10.2014, registered at Police Station, Kot Bhai, District
Sri Mukatsar Sahib.

Learned counsel contends that the prosecutrix, who

was a student of ITI at Bathinda had suffered the statement before the police on 30.10.2014 alleging that on 19.09.2014 when she was going to her college, she alighted from the bus on the way on account of her ill health where Gobinda, the co-accused of the petitioner, met her (the prosecutrix) and she sat in his car for going to village Kauni. On the way, the petitioner met and he also joined them in the car. At the bank of a drain, the obscene pictures of the prosecutrix were clicked by unknown persons. Thereafter, on 15.11.2014 her supplementary statement was recorded by the police in which she (the prosecutrix) alleged that Gobinda was committing rape with her on the pretext of solemnising the marriage. When she complained to Gobinda that he was going to solemnise the marriage with some other person then the petitioner and Gobinda intimidated her. He further contends that the statement of the prosecutrix in terms of Section 164, Cr.P.C., was recorded on 02.12.2014 by the learned Area Judicial Magistrate but the prosecutrix failed to name any person for commission of rape. He further contends that even if the three statements suffered by the prosecutrix are taken at their face value then also there is no allegation against the petitioner that he committed rape with her. At best the allegations against the

petitioner was that he threatened her not to disturb Gobinda for solemnizing the marriage with some other girl. He also contends that the petitioner is behind the bars from 03.11.2014 and after completion of the investigation, the charge-sheet (report under Section 173, Cr.P.C.) has been presented before the Court below.

Learned counsel for the State, on instructions from ASI Amrik Singh of Police Station, Kot Bhai, District Sri Mukatsar Sahib, has not controverted the submissions made by the learned counsel for the petitioner.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

It is the conceded case of the prosecution that the petitioner has not committed rape with the prosecutrix. The only allegation against the petitioner was with regard to threats extended to the prosecutrix and in her statement suffered under Section 164, Cr.P.C., the prosecutrix has failed to narrate anything against the petitioner. He is behind the bars from 03.11.2014 and after completion of the investigation the charge-sheet has been presented.

Keeping in view the totality of the facts and circumstances of the case, the present petition is allowed. Petitioner-Simra @ Simerjeet Singh son of Pritpal Singh, resident of village Thandewala Tehsil & District Sri Mukatsar Sahib, is ordered to be released on bail during pendency of the trial of the present case subject to his furnishing bail bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate, Sri Mukatsar Sahib.

January 16, 2015
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(NARESH KUMAR SANGHI)
JUDGE