

In the High Court of Punjab and Haryana at Chandigarh

CRM-M-14025-2016

Date of decision: 15.09.2016

Jaspal Singh @ Jassi

Petitioner

Vs.

State of Punjab

Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. P.S.Dhaliwal , Advocate
for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

RITU BAHRI,J (ORAL)

The present petition is for release of petitioner on regular bail in FIR No. 07 dated 28.01.2016 under Sections 376, 363, 366A, 506, 120-B of IPC and Sections 4 & 5 of Protection of Children from Sexual Offence Act, 2012, registered at Police Station Mehal Kalan, District Barnala.

As per the allegations made in the FIR, elder daughter of the complainant, aged about 17 years, has been enticed by Jaspal Singh @ Jassi on the pretext of marriage and in this conspiracy, Manpreet Singh, Binder Singh are also involved.

It is not in dispute that earlier a statement under Section 164 Cr.P.C. was made by the prosecutrix on 30.1.2016 wherein she had not attributed any role to the present petitioner. However, in the supplementary statement made on 10.02.2016, she has levelled allegations against the petitioner with regard to commission of rape.

Counsel for the petitioner states that on the date of occurrence, age of the prosecutrix was 11 years and 1 month and the supplementary statement suffered by her was under the pressure of her family members.

Counsel for the State submits that after presentation of the challan, charges have been framed on 24.08.2016 and some prosecution witnesses have been examined.

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

The petitioner was arrested on 31.01.2016. Since then, he is in judicial custody and no useful purpose would be served to further detain

him in jail. The final conclusion of trial will take a long time.

In view of above facts, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Judge/Duty Magistrate, Barnala.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the main case, in any manner.

15.09.2016
smriti

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No.

Whether reportable Yes/No.