

In the High Court of Punjab and Haryana at Chandigarh

CRM-M-26643-2016

Date of decision: 15.09.2016

Gurjant Singh

Petitioner

Vs.

State of Punjab

Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Dilpreet S. Gandhi, 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. 51 dated 15.05.2015 under Sections 376/506/34 IPC and Section 4 of POCSO Act, registered at Police Station Valtoha, District Taran Taran.

As per statement given by Amar Kaur in FIR, she used to do household work. She was going to take milk from the diary of Gajan Singh and when she was coming back after taking milk then some boys were standing there. One Gurjant Singh hold her through her arm and forcibly put her behind the motorcycle and one Satnam Singh @ Sattu was driving the motorcycle. Thereafter, Gurjant Singh injected injection on her back and afterthat she lost her senses little bit. She was taken to the house of Gurjant Singh, where no one was present and thereafter one by one continuously committed rape upon her without her consent. She was recovered from the house of Gurjant Singh and FIR got registered thereafter.

Learned State counsel, on instructions from Investigating Officer, stated that after presentation of the challan and framing of charges, out of total 15 prosecution witnesses only 3 witnesses have been examined and mother of the prosecutrix has been given up.

It is not in dispute that prosecutrix in her cross-examination, stated that she cannot state that rape upon her was committed or not. As per the medical report, the doctor stated that there is nothing to suggest that she had not been subjected to sexual intercourse.

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

The petitioner was in custody for the last more than one year. 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, Tarn Taran.

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.