

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33242-2016

Date of Decision:- 23.09.2016

Ajay Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Rahul Rampal, Advocate
for the petitioner.**

Ms. Manpreet Dhaliwal, AAG, Punjab.

RITU BAHRI, J. (Oral)

Present petition is for release of petitioner on regular bail in FIR No.158 dated 14.10.2014, under Sections 376 and 506 IPC and under Section 4 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Meharban, District Ludhiana.

Learned counsel for the petitioner has argued that perusal of statement made by prosecutrix under Section 164 Cr.P.C. does not make out the case that the petitioner had committed rape upon her. When an attempt was made by the petitioner to molest her she has shouted. Further, as per her deposition (PW-2), when she was taken on motorcycle, the petitioner had tied her both hands, which in itself is not probable. As per MLR evidence, the hymen of the prosecutrix is intact and there was no spermatozoa were

detected.

Learned State counsel, on instructions from investigating officer, has informed that out of 13 witnesses, 6 have been examined and 4 have been given up.

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

The petitioner was arrested on 15.10.2014. 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 regular bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Judge/Duty Magistrate, Ludhiana.

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

September 23, 2016
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No