

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

**Crl. Misc. No.M-43265 of 2016
Date of decision : 08.12.2016**

Gurpreet Singh

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

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

Mr. Deep Singh, A.A.G. Punjab.

ANITA CHAUDHRY, J(ORAL)

The petitioner is seeking regular bail in FIR No.102 dated 16.03.2015, registered under Sections 452, 376-D, 506, 34 IPC and Section 4 of the POCSO Act, Police Station Basti Jodhewal, District Ludhiana.

Counsel for the petitioner contends that the petitioner is in custody since 17.03.2015. Counsel further contends that major contradictions are appearing in the statement of the prosecutrix and in the first version which was given on 16.03.2015, the allegations were that two persons had entered the house at 3:00 PM and raped the victim but when the prosecutrix stepped into the witness box, she made a different statement in the cross-examination and there she said that the occurrence took place on 14.03.2015 and she admitted her photograph with the petitioner and that she

and Gurpreet were caught by security guards of Ramsharnam Hosiery and the security guards had called the PCR and they were taken to the police station and her parents were also called to the police station. The counsel states that the prosecutrix admits that she and Gurpreet had been going to the police station on 15th, 16th and 17th of March. He urges that the FSL report has been received and no spermatozoa was found and no DNA test was carried out.

In the MLR, history of rape is alleged on 15.03.2015; in the FIR, the incident is said to have taken place on 16.03.2015 but the date given by the prosecutrix in her evidence in the Court is 14.03.2015. The FSL report is against the prosecution. A totally different version has come out in the cross-examination.

The petitioner is in custody for almost 01 year and 09 months. The trial is taking time to conclude. Without commenting upon the merits of the case, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court/Duty Magistrate with the condition that he will not contact the complainant.

08.12.2016
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No