

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

CRM-M-45261-2016 (O&M)

Date of decision: 01.02.2017

KARANJIT SINGH

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Ms. Riffi Bala Birla, Advocate
for the petitioner (s).

Ms. Dhivya Jerath, AAG, Punjab

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No.48 dated 29.02.2016, registered under Sections 377 and 511 of the Indian Penal Code (for short 'the IPC') and Sections 3 and 4 of POCSO Act, at Police Station City-1, Abohar, Distt. Fazilka.

Contentends that there is material discrepancy with regard to manner in which the alleged occurrence took place. As per the complainant he along with his wife allegedly heard the screaming of the victim while they were in the front of the house of the accused. Whereas, as per the version of the mother, it has come that the child came in the evening along with his father. Therefore, the learned counsel states that story putforth by

the prosecution has become improbable. She further refers to MLR carried upon the victim wherein no external injury or tenderness on the person of the victim were noticed. Complainant has been examined, which is duly admitted by the learned State counsel. The petitioner is in custody since 29.02.2016.

On the other hand, the learned State counsel opposes the bail application and submits that petitioner has committed the heinous crime against the victim who is at a tender age.

Heard.

The contradictions if any in the versions of the prosecution witnesses shall be dealt with by the trial Court at an appropriate stage. However, keeping in view the period of incarceration and the fact that the complainant has been examined, no purpose would be served in keeping the petitioner behind the bars, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

01.02.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No