

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

CRM-M-16103-2018 (O&M)

Date of Decision: 25.04.2018

JAGDEEP SINGH @ DEEPA

..Petitioner(s)

Versus

STATE OF PUNJAB

..Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Anterpreet Singh, Advocate
for the petitioner.

Mr. K.S. Aulakh, DAG, Punjab.

ANITA CHAUDHRY, J.(Oral)

The petitioner is seeking regular bail in FIR No. 150 dated 27.07.2016, registered under Sections 363, 366-A, 120-B IPC and Section 8 & 6 of the POCSO Act (Sections 376-D/328 IPC added later on), Police Station Sahnewal, District Ludhiana.

Counsel for the petitioner contends that the petitioner is in custody since 28.07.2016 and the statement of the prosecutrix has also been recorded. The counsel further submits that no allegations of rape have been levelled against the petitioner and Vikram Singh had been accused of enticing the girl. The counsel further submits that in the MLR the prosecutrix had made allegations of rape which were three months ago and the petitioner is the cousin of the main accused. The State counsel submits that the petitioner was named by the prosecutrix in her statement recorded under Section 164 Cr.P.C. and allegations of rape have been made against him and she had made a similar statement in the Court but he states that no spermatozoa was found in the FSL report.

The victim before the Medical Officer had referred to a rape incident which was 3 – 4 months old. No spermatozoa was found in the FSL report though she accused Vikram and his cousin (petitioner) of having raped her when she was taken away on 25.07.2016. The prosecutrix has already been examined. The trial is taking time. 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.

(ANITA CHAUDHRY)
JUDGE

25.04.2018

Sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No