

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

**CRM-M-25004-2018
Date of Decision:08.06.2018**

Chehbar Singh	Versus	...Petitioner
State of Punjab		...Respondent

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. V.P. Singh, Advocate
for the petitioner.

Mr. IPS Doabia, Addl. AG, Punjab.

G.S. SANDHAWALIA, J. (ORAL)

Petitioner has filed petition under Section 439 of Cr.P.C. and seeks regular bail in FIR No.23 dated 01.03.2018 under Sections 363/366-A of IPC and under Section 4 of Protection of Children from Sexual Offences (POCSO) Act, 2012, Police Station Rureke Kalan, District Barnala.

Counsel for the petitioner submitted that father who is complainant has named the petitioner as such in the FIR to the extent of involvement in the elopement of the prosecutrix. It is submitted that however, under the statement made under Section 164 Cr.PC the allegations are of rape only against Vicky Singh main accused.

It is further submitted that CRM-M-23020-2018 filed by Amritpal Singh, this aspect has also been noticed while granting benefit of bail. The relevant portion reads as under:

“Counsel for the petitioner contends that the petitioner is in custody since 21.03.2018 and there are no allegations against him by the victim. The counsel states that though the complainant

had named him but he is a friend of Vicky who is the main accused.

State counsel informs that no statement had been given against the petitioner under Section 164 Cr.P.C.

The petitioner is not named in the Section 164 Cr.P.C. statement whereas there are allegations of rape against Vicky. Since no allegations have been made by the prosecutrix against the petitioner, therefore, it is a fit case where bail should be allowed to the petitioner.”

Counsel for the State is not in a position to dispute this fact.

Resultantly, this Court is of the opinion that the petitioner is entitled for parity. Accordingly, bail application is allowed and petitioner is ordered to be released on regular bail, subject to furnishing of adequate bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate, Barnala.

08.06.2018
pvd

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No