

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-43557-2017

Date of Decision: 22.01.2018.

Manpreet Singh @ Mani

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Karanvir Singh Khehar, Advocate for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

SUDIP AHLUWALIA J. (ORAL)

This is a petition for regular bail under Section 439 Cr.P.C. on behalf of the petitioner, who has remained in detention since 06.07.2017, in case FIR No.0155 dated 06.07.2017, under Section 377 of the Indian Penal Code and Section 4 of POCSO Act, 2012, registered at Police Station Sadar Khanna, Police District Khanna, District Ludhiana.

After completion of investigation, challan has been submitted.

Learned counsel for the petitioner has drawn attention of the Court to the specific allegation made in the original FIR lodged by the mother of the victim which is set out below:-

“My son having told me about pain in his mouth, I took him to Civil Hospital, Khanna where the doctor by administering injections and giving medicine sent home.”

On the previous date i.e. 15.01.2018, a specific direction was issued to the State to tender the missing MLR of the victim which was not found to be available on the Case Diary. It transpires that no such MLR was obtained, nor any record pertaining to the victim's treatment in the Hospital could be procured inspite of evidence of the Investigating Officer.

In the given circumstances, without making any comment on the merits of the case as a whole, at this stage, further detention of the petitioner does not appear to be justified. He is ordered to be released on regular bail to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned, which shall however conduct the trial and pass its own judgment without being influenced by any observation of this Court.

It is, however, made clear that addition of any other offence, apart from the offence mentioned in the original FIR, for which punishment is less than the prescribed for the main offence, shall not be a ground to cancel the bail of the petitioner.

Disposed off.

22.01.2018

smriti

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No