

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

**Crl. Misc. No.M- 44750 of 2018 (O&M)
Date of decision : 15.10.2018**

Charanjit Singh

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. P.S. Dhaliwal, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

ANITA CHAUDHRY, J.(ORAL)

The petitioner is seeking regular bail in FIR No. 216 dated 01.06.2018, registered under Sections 376, 506 IPC and Sections 4 & 5 of the POCSO Act , Police Station City Barnala, District Barnala.

Counsel for the petitioner contends that the petitioner is in custody since 08.06.2018 and he was not named in the FIR by the prosecutrix nor in the statement under Section 164 Cr.P.C. recorded on 01.06.2018 but a week later she gave a clean chit to the two persons who were named by her initially and she named only the petitioner and the place of occurrence and date of occurrence had also been changed.

The investigation is over, challan has been presented. It is a case where the victim had named two persons Mani and Gaurav. A week later she has given a clean chit to them and had named Charanjit (petitioner).

The petitioner was known to the family who is a friend of her father. The prosecution will have to prove how the mistake with respect to the identity of the persons had crept in.

The trial will take long 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 the petitioner would not contact the victim or her family in any manner.

15.10.2018
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No