

**CRM-M-48172-2018**

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

**CRM-M-48172-2018 (O&M)  
Date of decision : 12.11.2018**

**Lovepreet Singh**

**.....Petitioner(s)**

**Versus**

**State of Punjab**

**...Respondent(s)**

**CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY**

Present: Mr. H.S. Thiara, Advocate for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

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**ANITA CHAUDHRY, J.**

The petitioner is seeking regular bail in FIR No. 172 dated 04.11.2017, registered under Sections 363, 366, 376, 120-B IPC, Police Station Lambra, District Jalandhar.

Counsel for the petitioner contends that the petitioner is in custody for over a year and the victim and her mother have been examined and the mother of the victim failed to appear for the cross-examination and bailable warrants were issued against her. Counsel further submits that the incident of rape is stated to be two months earlier and the FSL report which is positive would not be related to the petitioner and the prosecution had failed to get the DNA test done. The counsel further submits that though the girl was missing from her home on 2<sup>nd</sup> November but the parents had got the FIR lodged only after two days and in the statement recorded under Section

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164 Cr.P.C., the victim had stated that she had gone on her own and the allegations of rape were alleged after 24 November 2017 and the victim had only referred to physical relations which were 2 – 3 months earlier. The counsel says that the attendance record of the school is available which shows the presence and absence of the girl from the school.

The victim had made allegations of rape which occurred two months prior to the registration of FIR. In the statement made before the Magistrate, the girl had stated that she had gone on her own with the petitioner to Shimla. The victim and her mother have already made their statements in the trial. The trial has been delayed. The petitioner is in custody since 05.11.2017. 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 during trial.

12.11.2018  
sunil

**(ANITA CHAUDHRY)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No