

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M-50320-2018

Date of Decision:22.11.2018

Sahil

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Rishu Mahajan, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.120 dated 24.05.2018 under Sections 341, 365, 379-B, 506, 377, 34 IPC, 1860, registered at Police Station Division No.7, Jalandhar.

Learned counsel for the petitioner states that date of birth of the petitioner is 15.01.2001, whereas the complainant is about 23 years of age. The offence under Section 377 IPC is not made out. He refers to the MLR of complainant-Maninderjit Singh.

Learned State Counsel on instructions from ASI Kamaljit Singh states that though the petitioner is not major, however, considering the nature of allegations, prayer of the petitioner for grant of regular bail deserves to be rejected.

I have heard learned counsel for the parties.

As per MLR conducted on 25.05.2018, injuries on the person of complainant-Maninderjit Singh are as under:-

1. *On inspection no injury mark fresh or old at present at perennial region, Adv. surgical opinion.*
2. *On Proctyoscopic exam no fresh injury or clear fissure or any hemorrhage detected.*
3. *Swabs are taken and slides made sent for chemical examination.*

The incident has allegedly occurred on 23.05.2018, whereas the FIR was registered on 24.05.2018 and the MLR was conducted on 25.05.2018 that is earlier to registration of the FIR.

Considering the fact that the petitioner is in custody since 26.05.2018 and in the MLR, no such injury has been reflected and even learned State Counsel has not produced any report of the chemical examination, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case.

November 22, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No