

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

**Criminal Misc. No. M-54472 of 2018 (O&M)**  
**Date of decision : December 14, 2018**

Manpreet Singh @ Tota

....Petitioner

versus

State of Punjab and another

....Respondent

**Coram: Hon'ble Mr. Justice Fateh Deep Singh**

**Present :** Mr. Bikramjeet Singh Jatana, Advocate, for the petitioner  
Mr. Dhruv Dayal, Sr. DAG, Punjab for the State assisted by  
ASI Ramphal, PS Joga, District Mansa

**Fateh Deep Singh, J. (Oral)**

This order shall dispose of first regular bail application of accused-petitioner Manpreet Singh @ Tota filed in case FIR No. 42 dated 14.6.2018, under Sections 363, 366-A, 120-B IPC and subsequently added Sections 376, 376-D IPC and Sections 3,4,5 and 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2016, registered at Police Station Joga, District Mansa.

The present case has been got registered by Charanjeet Kaur mother of the girl aged around 17 years and 11 months alleging that during

the intervening night of 4-5/6/2018 her daughter went missing from the house leading to the registration of the present case on 14.6.2016 and the girl was recovered on 15.6.2018. The role attributed to the petitioner is that he was driving the car in which his co-accused and principal accused Gurwinder Singh @ Bunty along with the girl prosecutrix went and he had dropped them at a place.

Mr. Jatana, learned counsel for the petitioner inter-alia contends that no role is attributed to the petitioner either in the allegation of elopement much less for having been instrumental in ravaging the girl and he is behind the bars since 3.7.2018 and even the medical evidence does not supports the stand of the prosecution.

Mr. Dhruv Dayal, Sr. DAG, Punjab for the State assisted by ASI Ramphal, PS Joga, District Mansa has stoutly opposed the grant of bail on the ground that the girl at the time of commission of offence was a minor and that in view of heinousness of crime and seriousness of allegations, disentitles the petitioner to any relief.

Going through the submissions of the two sides apparently the girl is nearing the age of discretion i.e. 18 years, a few months less than that. It is the own story of the complainant that she has vanished from her home during midnight. The own admission of the State counsel that the medico legal examination of the girl does not suggest commission of rape though accepts that report of Forensic Science Laboratory is yet to be received. The only allegation against the petitioner is that he drove the car in which

the principal accused and the girl were ferried and have been dropped at a place. The petitioner is behind the bars since more than five months. Culpability, if any, shall be determined at the time of trial which is not likely to be concluded in near future, no purpose will be served by retaining the petitioner in jail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Mansa.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

**December 14, 2018**

**'tiwana'**

**( Fateh Deep Singh )  
Judge**

*Whether speaking/reasoned ?*

*Yes/No*

*Whether Reportable ?*

*Yes/No*