

219.

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

CRM-M-8338-2019

Date of decision:12.03.2019

SATNAM SINGH @ GOGHI

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Harinder Pal Singh Ishar, Advocate,
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.30 dated 05.05.2018 registered under Sections 363, 366-A, 376 of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 (Section 376 of IPC and Section 4 of POCSO Act added lateron) at Police Station Fatehgarh Panjtoor, District Moga.

Counsel for the petitioner states that the petitioner is in custody since 06.05.2018. The FIR was registered on 05.05.2018. Even otherwise, in the statement under Section 164 Cr.P.C., the victim has not made any allegation against the petitioner as regard the sexual assault. He further states that the allegation is that the victim was enticed by the petitioner on 29.04.2018 and they stayed together for about 5 days. Thereafter, the pregnancy test was conducted on 07.05.2018 which was found positive. In

such a short period, in the absence of DNA test, it cannot be established that she got pregnant from the petitioner.

Learned State counsel, on instructions from ASI Kuldeep Singh, does not dispute the custody as well as the statement of the prosecutrix made under Section 164 Cr.P.C.

Heard.

In a statement made under Section 164 Cr.P.C., the prosecutrix has not made any allegation against the petitioner that he has sexually assaulted the victim. The culpability is yet to be established during trial. Accordingly, this Court finds that the petitioner deserves to be admitted on bail.

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

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

12.03.2019
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.