

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-36605 of 2018 (O&M)
Date of decision : January 25, 2019

Ravinder Kumar @ Sonu

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Vaibhav Sehgal, Advocate, for
Mr. Vijay Kumar, Advocate, for the petitioner

Mr. Avtar Singh Sandhu, Addl. AG Punjab for the State

Fateh Deep Singh, J. (Oral)

This order shall dispose of first regular bail application of accused petitioner Ravinder Kumar alias Sonu under Section 439 Cr.P.C. filed in case FIR No. 2 dated 3.1.2018, under Sections 376-D, 511 IPC, Police Station Dehlon, Ludhiana.

The present case was got registered on the statement of one Harinder Singh wherein he alleged that on 2.1.2018 while he was going in the area of Police Station Dehlon, Ludhiana, he heard that under the darkness of the night time in a desolate place some persons were forcing on the girl and as he was busy he went away and subsequently on his statement

the present case was got registered on 3.1.2018. Subsequently, after 5 months on 21.5.2018, statement of the girl was got recorded wherein she stated that she could not identify the assailants but they were calling each other by their names and had been trying to trace the culprits on her own and even refused to get herself medically examined nor statement under Section 164 Cr.P.C. was got recorded. The petitioner was subsequently arrested on 27.5.2018.

Mr. Vaibhav Sehgal, learned counsel for the petitioner contends that there is no semblance of evidence against the petitioner neither there is any medical evidence of the girl nor statement under Section 164 Cr.P.C. was recorded and the statement of initial informer Harinder Singh does not inspire confidence and even has sought to doubt the very identification of the culprits arguing that no test identification was conducted as per rules.

Mr. Sandhu, learned State counsel on instructions from HC Malkit Singh, Police Station Dehlon, Ludhiana does not dispute the facts brought to the notice of the Court by the counsel for the petitioner but has opposed the grant of bail on the grounds of heinousness of the crime.

Appreciating the submissions, the petitioner is behind the bars since almost eight months. The own stand of the State that neither there is any medical evidence nor statement under Section 164 Cr.P.C. is recorded and even the question of identity of the assailants has remained in-oblivion. The petitioner is behind the bars and culpability if any shall be determined

at the 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, Ludhiana.

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.

January 25, 2019

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No