

217.

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

CRM-M-21401-2019

Date of decision:16.05.2019

BACHITTAR SINGH @ SIMRAN @ SIMMU

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sarbjit Singh, Advocate, for the petitioner.

Mr.Rana Harjasdeep Singh, DAG, 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.28 dated 01.05.2018 registered under Sections 363/366-A/376/420/120-B of IPC read with Sections 4 & 8 of Protection of Children from Sexual Offences Act, 2012 at Police Station Rangar Nangal, District Gurdaspur.

Counsel for the petitioner states that the aforesaid FIR was registered on the statement of Gurmukh Singh with the allegation that the petitioner has enticed the daughter of the complainant on the pretext of marriage. The prosecutrix was of 13/14 years of age and was a student of 9th class. On 30.04.2018 at about 6 PM when the complainant and his wife Paramjit Kaur came back to their house, they did not find the victim in the house, which resulted into registration of the present FIR.

He has argued that it is the relatives of the petitioner who produced the girl before the District Protection Program Officer, Gurdaspur

sent to Nari Niketan, Jalandhar on 02.05.2018, after her medical examination was conducted. Further, there is no evidence that the victim was ever sexually exploited in any manner. The FSL report received in the case does not suggest the commission of offence of rape. He further states that neither the victim nor the complainant has supported the case of the prosecution and, therefore, the chances of conviction are quite bleak. The petitioner is in custody since 18.05.2018.

Learned State counsel does not dispute the custody and states that the FSL report in the case is found negative. However, he has argued that the doctor who examined the prosecutrix, has given opinion that the possibility of commission of rape is not ruled out. Therefore petitioner is not entitled for the relief of regular bail.

Having heard counsel for the parties and noticing the fact that neither the victim nor the complainant have deposed against the petitioner and as per the FSL report, the offence of commission of rape is not established, this Court finds that the culpability of the petitioner in the crime is yet to be established during the trial.

Accordingly, without observing anything on the merits of the case and considering the fact that the petitioner is in custody since 18.05.2018, he is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

Accordingly, present petition is allowed.

(HARI PAL VERMA)
JUDGE

16.05.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No