

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-22889-2019 (O&M)
Date of Decision:- 29.8.2019

Aman Singh ... Petitioner

Versus

Union Territory, Chandigarh ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. M.S.Jandiala, Advocate, for the petitioner.

Mr. Kuldeep Tiwari, Addl. P.P. U.T. Chandigarh.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Aman Singh seeks grant of regular bail in a case registered vide FIR No.334, dated 1.9.2018, registered at Police Station Sector 31, Chandigarh, under Sections 363, 376, 376-DA, 506 IPC and Sections 4 and 5 of POCSO Act.
2. The FIR was registered at the instance of the prosecutrix/victim, wherein it has been alleged that on 31.8.2018 at about 8.p.m., when she was returning back to her home, then petitioner Aman Singh started following her and while brandishing a knife threatened to kill her in case she did not accompany him and forcibly took her in a

room in Village Hallomajra, where he called his three friends namely Arun Dahiya, Gurmeet Singh and Karan and thereafter all four of them raped her and also threatened to kill her in case she disclosed anything to anybody.

3. Learned counsel for the petitioner has submitted that in fact petitioner has falsely been implicated in the present case and the falsity of the case would be evident from the fact that when the prosecutrix stepped into the witness box she has not stated a word as regards the alleged rape by the petitioner and has levelled allegations in this regard only against Gurmeet Singh and Karan. It has further been submitted that in fact mother of the prosecutrix was also examined by the Trial Court and who had also stated that it is one Karan and Gurender who had committed rape upon her daughter, as disclosed to her by her daughter. Learned counsel has further submitted that in any case the petitioner is a juvenile and since the material witnesses have already been examined, he deserves the concession of bail.
4. Opposing the petition, the learned State counsel has submitted that even as per the statements of the prosecutrix and of her mother, the role of the petitioner in any case is evident to the effect that he had taken the prosecutrix to the room where the rape was committed. It has further been submitted that since the prosecutrix is a minor, the offence became all the more grave and in these circumstances the petitioner does not deserve the concession of bail. It has however not been disputed that the petitioner is a juvenile and that he has been behind bars since the last about one year.

5. I have considered rival submissions addressed before this Court. Since, neither the prosecutrix nor her mother have stated that it is the petitioner who had committed rape and while bearing in mind that the petitioner has been behind bars since the last about one year and is a juvenile, in my opinion further detention of the petitioner would not serve any useful purpose. The petition, as such, is accepted and it is ordered that petitioner-Aman Singh be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.
6. The petition is accepted accordingly.

August 29, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No