

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-47035 of 2018 (O&M)
Date of decision : January 31, 2019

Manpreet Singh @ Money

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Harvinder Singh Maan, Advocate, for the petitioner
Mr. Saurav Khurana, DAG, Punjab, for the State

Fateh Deep Singh, J. (Oral)

This order shall dispose of first regular bail application of accused-petitioner Manpreet Singh @ Money under Section 439 Cr.P.C. filed in case FIR No. 111 dated 3.10.2017, under Sections 363, 366-A IPC later on added Section 376 IPC and Sections 3,4,5 and 6 of the Protection of Children from Sexual Offences Act, 2012, Police Station Bhikhi, District Mansa.

The present case was got registered on the statement of one Sukhdev Singh who alleged that his daughter who was a student of 12th class aged around 16 years has been kidnapped by some one and could not be traced out and it was revealed that the petitioner was instrumental in the

same leading to the registration of the present case and arrest of the petitioner on 3.10.2017.

Mr. Harvinder Singh Maan, counsel for the petitioner has argued that the result of Forensic Science Laboratory clearly bears out that the exhibits so sent for analysis did not match with that of the accused-petitioner further stating that the petitioner is behind the bars since a long time and the trial is not likely to be concluded in the near future.

Mr. Saurav Khurana, learned State counsel assisted by ASI Dalel Singh has opposed the relief so prayed on the grounds that the girl in her statement under Section 164 Cr.P.C. as well as her testimony before the trial court as PW1 has levelled accusation against the petitioner who on the day of the occurrence was a minor and therefore showed his apprehension that if allowed bail, the petitioner might influence the witnesses.

It is well reflected on the records that on the day of occurrence the prosecutrix was a minor, a school going girl. There are specific allegations levelled by the girl in her statement under Section 164 Cr.P.C. before the learned Judicial Magistrate. Consequent upon her recovery, her medico legal examination has also been conducted. The girl has testified against the petitioner in the court. The argument that the semen on account of DNA profiling does not match with the accused are matters which could be gone into at the time of trial and mere fact that the petitioner is behind the bars is no ground to release him on bail keeping in view seriousness of the allegations. The present petition stands dismissed.

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 31, 2019

(Fateh Deep Singh)
Judge

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Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No