

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

CRM-M-27283-2019 (O&M)
Date of Decision:- 17.10.2019

Mandeep Singh @ Sudama ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Avtar Singh Bhatti, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab,
assisted by ASI Kulwant Singh.

GURVINDER SINGH GILL, J.

1. Petitioner-Mandeep Singh @ Sudama, seeks grant of regular bail in a case registered vide FIR No.84, dated 23.6.2018, registered at Police Station Bullowal, District Hoshiarpur, under Sections 376, 363, 366, 365, 342, 323 IPC and under Section 4 of POCSO Act.
2. The FIR was lodged at the instance of the prosecutrix wherein it has been alleged that she is a student of Class IX in Mount Carmel School, Village Kakkon. It is alleged that Gurpreet Singh allured her on the pretext of marrying her and on 14.6.2018, he sent his friend Mandeep Singh to pick her up on a motorcycle. The prosecutrix

accompanied Mandeep Singh who took her to tubewell of Pardeep Singh where Gurpreet Singh was already present. It is alleged that Gurpreet Singh took the prosecutrix in a room and committed rape upon her. Subsequently, she was locked in the room by Gurpreet Singh. It is alleged that after some time Taranjeet Singh @ Tarna along with Manjinder Singh and two other unidentified persons came in a 'Scorpio' and then Gurpreet Singh and Mandeep Singh pushed her in the Scorpio and took her to the shop of Taranjeet Singh where the two unidentified persons gave beatings to her. It is further alleged that on 15.6.2018, at about 2.30 am. Taranjeet Singh called uncle of the prosecutrix namely Ajmer Singh and told him that Gurpreet Singh and Mandeep Singh had taken away the prosecutrix to the tubewell and consequently the complainant's father, her uncle Ajmer Singh as well as Rawel Singh came there and the prosecutrix accompanied them back home.

3. Learned counsel for the petitioner has submitted that even if the allegations as levelled in the FIR are taken to be correct, still no case under Section 376 IPC can be said to be made out against the petitioner since the role attributed to him is that the prosecutrix had accompanied the petitioner to the tubewell on his motorcycle where she was allegedly raped by co-accused.
4. Opposing the petition, learned State counsel has submitted that since Mandeep Singh had played a pivotal role in the occurrence inasmuch as he had taken the prosecutrix to the place where she was raped, no case for grant of bail is made out. It has however, been informed that

as on date 14 out of cited 21 PWs have been examined and that another three witnesses have been given up. It has also been informed that the petitioner till date has been behind bars since the last more than 14 months.

5. Having regard to the facts and circumstances of the case especially that no direct allegation has been levelled against the petitioner regarding commission of rape by him and that he has been behind bars since the last more than 14 months, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and petitioner-Mandeep Singh @ Sudama 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.

October 17, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No