

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

CRM-M-37614-2019 (O&M)
Date of Decision:-11.9.2019

Sandeep Singh @ Sanju ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Tarun Singla, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.27 dated 30.3.2019 at Police Station City Rampura, District Bathinda under Section 376 of Indian Penal Code and Sections 4 and 5 of Protection of Children from Sexual Offences Act, 2012.
2. The FIR was lodged at the instance of the prosecutrix, wherein it has been alleged that on 28.3.2019 while she was strolling outside her house at about 10:00 P.M., the accused i.e. the petitioner Sandeep Singh @ Sanju, who is having his cattle shed in the street forcibly took her inside the shed and committed rape against her wishes and thereafter ran away from the spot after scaling the wall.
3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the falsity would be

apparent from the fact that the FIR came to be lodged after about 48 hours of the occurrence. The learned counsel has further submitted that infact the statement of the prosecutrix was also recorded in terms of Section 164 Cr.P.C. on 1.4.2019, wherein she has categorically stated that the petitioner had not committed any wrong with her and that he is innocent.

4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR, wherein categoric allegations have also been levelled against him, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court.
6. The investigation has already been completed and challan has also been filed. The prosecutrix in her statement under Section 164 Cr.P.C. has virtually given a clean-chit to the petitioner.
7. Having regard to the aforesaid facts and circumstances and bearing in mind that the petitioner has been in custody since the last more than five months and that conclusion of trial in its normal course is likely to take some time, further detention of the petitioner would not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. The present petition stands accepted accordingly.

11.9.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No