

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

CRM-M No.39926 of 2019

Date of decision: 3rd December, 2019

Rajvir Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Ankur Bansal, Advocate for the petitioner.

Mr. Pawan Sharda, Sr. Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Petitioner Rajvir Singh who is in custody in a case got registered by way of FIR No.122 dated 06.04.2019 under Sections 363, 366, 376 IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Phillaur, has come up in this first regular bail application under Section 439 Cr.P.C. The present case was got registered by Gurmeet Kaur, mother of a minor girl aged around 17 years. It is alleged that from the first marriage of the complainant with Dilbag Singh, the prosecutrix was born and after the couple separated, the girl was taken by the complainant who subsequently entered into a wedlock with one Avtar Singh. It is alleged that on 03.04.2019, the prosecutrix suddenly left her home and the present case was got registered against the present petitioner Rajvir Singh

on the allegations of having eloped with the girl in which co-accused non-applicants Ravneet Singh and his father Amarjeet Singh alias Amba had helped the accused. During the course of investigations, the prosecutrix got recorded her statement leveling allegations against Ravneet Singh for having ravaged her 5/6 times against her wishes in the presence of his father accused Amarjeet Singh alias Amba.

Learned counsel for the petitioner Mr. Ankur Bansal, Advocate inter alia contends that there is no specific role attributed to the petitioner in commission of the offence and the entire gamut of allegations has come about against co-accused non-applicants Ravneet Singh and his father Amarjeet Singh alias Amba, and that the petitioner is behind bars for the last almost eight months.

Learned State counsel Mr. Pawan Sharda, Sr. Dy. Advocate General, Punjab on instructions from ASI Dharminder Singh, fairly concedes to the facts that though initially FIR was registered against the petitioner for having eloped with the prosecutrix but the primary allegations of defilement have been levelled against the co-accused non-applicants Ravneet Singh, his father Amarjeet Singh alias Amba and Avtar Singh, and has opposed the grant of bail on the grounds that the petitioner happens to be initiator of this episode.

Going through the submissions of the two sides, the petitioner is in custody for more than eight months. Furthermore, there is neither any allegation of defilement against the petitioner nor the learned

State counsel could point out any such incident. Thus, in such circumstances culpability, if any, shall be determined at the trial which is not likely to conclude in the near future. In view thereof, this Court is of the opinion that it is a fit case to allow bail to the petitioner. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Jalandhar. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off in those terms.

(FATEH DEEP SINGH)
JUDGE

December 3, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No