

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

CRM M-42108 of 2019
Date of Decision: December 10, 2019

Arshdeep SinghPetitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

Petitioner Arshdeep Singh, who is in custody since 07.05.2019 has sought regular bail by moving first petition under Section 439 Cr.P.C. in case FIR No. 41 dated 07.05.2019 under Sections 363/366-A of IPC and, subsequently, added offences under Sections 376 of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Phool, District Bathinda.

The present case has been got registered on the statement of Gurmail Singh father of young girl aged around 17½ years and student of 10+2 class. It is alleged that on 06.05.2019, his minor daughter vanished from their home and in

spite of frantic search, she could not be traced. Subsequently, it transpired that accused/petitioner Arshdeep Singh has enticed her and eloped with the girl to facilitate their marriage leading to registration of the present case.

Mr. P.K.S. Phoolka, learned counsel for the petitioner, *inter alia*, contends that the girl in her statement recorded under Section 164 Cr.P.C. has not supported the prosecution case rather categorically stated that she has gone on her own with the petitioner and not attributed any indecent act to the petitioner. Learned counsel further stresses that there is no medical evidence to support the case of the prosecution to bring about the offence of rape.

Mr. Pawan Sharda, Sr. DAG, Punjab on instructions from HC Jagdev Singh has very fairly conceded that in statement under Section 164 Cr.P.C. recorded before the learned Judicial Magistrate 1st Class, she does not support the prosecution case and do not attribute any role to the petitioner in the commission of offence. Learned State counsel also states that there is no medical evidence to support and corroborate the allegations of rape.

As is there before this Court and in the light of what has come up, there is certainly no prima facie evidence at this juncture to support the prosecution case. The petitioner is in custody for more than 06 months and culpability, if any, of the petitioner shall be determined at the trial which is not likely to be

concluded in the near future. This Court is of the opinion that it is a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

December 10, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No