

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

CRM-M-50343 of 2019 (O&M)
Decided on:- December 02, 2019.

Ishat Preet Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

Mr. Sukhbeer Singh, A.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

CRM-37624-2019

This is an application filed under Section 482 Cr.PC for correction in the name of the petitioner in the main petition and for placing on record the amended Memo of Parties.

For the reasons stated in the application, the same is allowed and the amended Memo of Parties is taken on record.

CRM-M-50343-2019

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.51 dated 18.04.2019 under Sections 376, 376(D), 376(2)(N), 34 IPC and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Phase-11, SAS Nagar.

The aforesaid FIR was registered on the statement of the prosecutrix wherein she had stated that she has a *facebook* friend i.e. the

petitioner, a resident of Amritsar. As per the FIR on 15.04.2019 in order to meet the petitioner, she left Jalandhar at about 09.30 A.M. and reached Amritsar where she met with the petitioner. They stayed in a hotel near Jallianwala Bagh where the petitioner established physical relations with her forcibly. Thereafter, they had been moving jointly for the whole day. In the evening, the petitioner got her seated in a bus for Jalandhar from Amritsar and she reached Jalandhar at about 05.30 P.M. Her mother was busy in talking with some lady in the park and while taking opportunity, she ran away from there and after taking lift on a scooty of some person, she reached in the Cantt. area. Thereafter, she had gone to the bus stand through auto-rickshaw and boarded a bus for Amritsar and reached Amritsar at about 09.30 P.M. She tried to contact the petitioner on his mobile phone, but his mobile phone was found switched off.

Learned counsel for the petitioner has argued that the statement of the prosecutrix was recorded under Section 164 Cr.PC, wherein she has not named the petitioner. Moreover, the petitioner is in custody since 26.06.2019. No prosecution witness has been examined in the case so far. There are as many as 33 witness cited by the prosecution.

Learned State counsel, on instructions from ASI Baljit Singh, does not dispute the custody of the petitioner and the fact that no prosecution witness has been examined in the case. He also does not dispute the fact that the prosecutrix has not named the petitioner in her statement under Section 164 Cr.P.C.

I have heard learned counsel for the parties.

The petitioner is in custody since 26.06.2019. As against 33 witnesses cited by the prosecution, not even a single witness has been examined in the case. Apart from the fact that the prosecutrix has not named the petitioner in her statement under Section 164 Cr.PC, no such medical examination report has been produced on record so as to establish the culpability of the petitioner. Even after returning to her home at Jalandhar, she went back to Amritsar. Therefore, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witness directly or indirectly in any manner.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

December 02, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No