

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

CRM-M-52378-2019 (O&M)
Date of Decision:-13.12.2019

Surinder Kumar @ Fauji ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Arora, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab,
assisted by ASI Chaman Lal.

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.163 dated 23.9.2018 at Police Station Division No.5, Jalandhar under Sections 376, 506 and 120-B of Indian Penal Code.
2. The FIR was lodged at the instance of Samdeen, wherein it has been alleged that his daughter aged about 14 years informed him that on 22.9.2018 Madan Rai, who sells juice from hand cart had taken her to a factory premises where Surinder Kumar @ Fauji was present and told Madan Rai to take the complainant's daughter to the first floor and upon which said Madan Rai took the complainant's daughter to the first floor and forcibly established physical relations with her.

3. The learned counsel for the petitioner has submitted that even as per the FIR the petitioner is not alleged to have raped the complainant's daughter and is sought to be implicated with the aid of Section 120-B IPC. It has further been submitted that, in any case, when the statement of the prosecutrix was recorded in terms of Section 164 Cr.P.C. she did not state a word against the petitioner.
4. The aforesaid position is not disputed by the learned State counsel. It has been informed that the petitioner as on date has been behind bars since the last more than one year.
5. Having regard to the facts and circumstances of the case and bearing in mind the aforesaid custody period of the petitioner and that he has not been named by the prosecutrix in her statement recorded under Section 164 Cr.P.C., the petition is accepted and it is ordered that the petitioner be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

13.12.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No