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

**CRM-M No.1747 of 2020
Date of Decision: 22.01.2020**

Sucha Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Narinder S. Lucky, Advocate
for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.101 dated 24.05.2017 registered under Sections 364, 377, 342, 506, 34 (later on offence under Section 364 was deleted and Sections 365, 201 IPC and Sections 3, 4 of the POCSO Act, 2012 added) at Police Station Meharban, District Ludhiana.

FIR was registered at the instance of victim who is aged 14 years. According to the prosecution version, the victim has studied upto middle class. He was residing with his mother Jasvir Kaur as his father was living separately. On 18.03.2017, a

dispute arose between his brother Labh Singh and Chaman Singh (co-accused). Chaman Singh had abused them and also threatened them that he would not allow them to live there. Mother of the complainant filed a complaint against Chaman Singh before the police. On the next day, proceedings under Sections 107, 151 Cr.P.C were initiated as Chaman Singh had also filed a complaint against mother of the complainant. No action was taken on the complaint of the mother. On 29.03.2017 at about 7.30 PM, the complainant had gone to bring milk from shop near Masjid and on the way, Chaman Singh, Sucha Singh and 2/3 unknown persons came in a vehicle. They pushed the complainant in the car and took him away. They made the complainant to drink some cold drink and he felt asleep. Complainant had made the allegations of oral sex.

On similar allegations, co-accused Chaman Singh has been granted bail by this Court in CRM-M No.38869 of 2019 on 16.12.2019.

Learned State counsel on instructions from ASI Gurdyal Singh does not dispute parity of the petitioner with that of Chaman Singh.

As per medical opinion, Doctors have opined that it is not possible to comment upon occurrence of oral sex. Complainant was medico legally examined after 12 days of his

release from captivity.

Taking into consideration the aforesaid facts and without meaning anything on merits of the case, I deem it proper to consider the case of the petitioner at par with co-accused Chaman Singh. Petitioner is directed to be released on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

Accordingly, this petition is allowed.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

22.01.2020

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No