

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CRM-M-2846-2020

Date of Decision:29.01.2020

Gurpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

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

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

Ms. Ruchika Sabharwal, AAG, Punjab.

HARI PAL VERMA, J.(Oral)

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 & 6 of the POCSO Act, 2012, registered at Police Station Phase-11, SAS Nagar, Mohali.

Learned counsel for the petitioner states on the similar set of allegations, Ishant Preet Singh, co-accused of the petitioner, has been admitted on bail by this Court vide order dated 02.12.2019 passed in **CRM-M-50343-2019 (Ishant Preet Singh Versus State of Punjab)**. Petitioner is in custody since 18.04.2019 and the prosecutrix in the case has not been examined so far. As against total 33 cited by the prosecution, no witness has been examined. Trial in the case is not likely to be concluded in the near future. He further states that bare perusal of the FIR recorded at the

behest of the prosecutrix and statement recorded under Section 164 Cr.P.C. depicts that there is substantial improvement in her statement. He refers to the statement of the prosecutrix recorded under Section 164 Cr.P.C., wherein she has stated that she was feeling hungry and therefore, the petitioner has brought juice for her. When the prosecutrix has taken that juice, she started feeling addicted and started rolling. Petitioner pulled her and forcibly did wrong act with her, whereas in the FIR she has alleged that she has gone to the Punjab University and waited for Gurpreet while sitting in the park. She made calls to the petitioner by taking phone of some other person and after waiting for about five hours, petitioner came to take her. They moved here and there and thereafter, they went to hotel Rajput in Mohali and they stayed there during night and during this period, petitioner forcibly committed sexual assault upon her 3-4 times.

Learned State Counsel does not dispute the custody period. However, she states that the allegations against the petitioner are serious.

Heard learned counsel for the parties.

It is not in dispute that on the similar set of allegations, Ishant Preet Singh, co-accused of the petitioner, has already been admitted on bail by this Court vide order dated 02.12.2019 passed in CRM-M-50343-2019, coupled with the fact that there is variance in the statement of the prosecutrix recorded under Section 164 Cr.P.C. and the version stated in the FIR. Petitioner is in custody since 18.04.2019. As against total 33 cited by the prosecution, no witness has been examined. Trial in the case is not likely to be concluded in the near future. Thus, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner

is admitted on regular bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

January 29, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No