

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

CRM-M-6407 of 2020.

Decided on:- February 18, 2020.

Prabhjit Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

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

Ms. Ruchika Sabharwal, A.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.51 dated 14.07.2019 under Sections 363, 366-A and 120-B IPC (Sections 366, 368 and 506 IPC added later on) registered at Police Station Chohla Sahib, District Tarn Taran.

Learned counsel for the petitioner submits that the petitioner is in custody since 03.09.2019 and the date of birth of the prosecutrix is 15.07.2002. The prosecutrix has not made any allegation against the petitioner in her statement under Section 164 Cr.PC. She was also offered for medical examination, but she had refused for such examination.

Learned State counsel, on instructions from HC Sukhwant Singh, does not dispute the custody and the fact that the prosecutrix had refused for medical examination.

I have heard learned counsel for the parties.

In view of the fact that the prosecutrix has not made any allegation against the petitioner in her statement recorded under Section 164 Cr.PC and she had not opted for medical examination, this Court finds that the culpability of the petitioner is yet to be established during the trial and no useful purpose would be served by keeping him in further custody.

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.

February 18, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No