

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

CRM-M-6678 of 2020.

Decided on:- February 19, 2020.

Jagsir Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

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Present:- Mr. P.K.S. Phoolka, 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.62 dated 25.06.2018 under Sections 376-D, 363, 366-A, 376 and 506 read with Section 34 IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 as well as Sections 3 and 4 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Sadar Rampura, District Bathinda.

Learned counsel for the petitioner has produced certified copy of the statement of prosecutrix as PW1 recorded before the trial Court and submits that she has not supported the case of the prosecution and was declared hostile. He further submits that there is no medical evidence against the petitioner as the prosecutrix had refused to undergo the medical examination. The petitioner is in custody since July, 2018.

Learned State counsel does not dispute the custody and the statement of the prosecutrix so recorded before the trial Court. However, she

submits that the prosecutrix has got her statement recorded under Section 164 Cr.PC, wherein she had made allegations against the petitioner as referred in the FIR.

I have heard learned counsel for the parties.

The petitioner is in custody since July, 2018. The prosecutrix has not come forward to get herself medically examined, as offered by the prosecution. Moreover, while appearing before the trial Court as PW1, she did not support the prosecution version and for this reason, she was declared hostile. Therefore, 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 detaining 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 19, 2020**  
Yag Dutt

**(HARI PAL VERMA)**  
**JUDGE**

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