

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

205

**CRM-M-13304-2020
Decided on : 08.07.2020**

Sarabjeet Singh @ Sukhi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Harsh Goyal, Advocate for the petitioner (s).

Mr. H.S. Sullar, DAG, Punjab.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

In the present petition filed under Section 439 Cr.P.C., the petitioner seeks regular bail in FIR No.350 dated 04.12.2019 under Sections 363, 366-A, 376 (2) (n) of IPC and Sections 4/6/17 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Sadar Dhuri, District Sangrur. The petitioner is in custody since 16.01.2020.

Counsel for the petitioner has submitted that as per the FIR also the only allegation is that the victim wanted to join Goldy Singh who had promised to marry her and had asked her to come to Ludhiana for the said purpose. The petitioner is stated to have facilitated the movement of the victim from village Meemsa to Bus Stand, Malerkotla from where she had to board a bus to Ludhiana. The allegation of rape are qua Kaka Singh in whose custody Goldy Singh had left the girl while going for some work.

Counsel has submitted that the victim was examined as PW-2 and in her statement she has deposed that an unknown person had picked up

her for facilitating her movement to Ludhiana on a motorcycle as a pillion rider and took her to Bus Stand, Malerkotla.

While dismissing the bail application of the petitioner, the Additional Sessions Judge, Sangrur has observed that the victim may not named and identified the petitioner in her statement, but the trial of the case is running and the remaining witnesses have to be examined and the petitioner would tamper with the prosecution evidence.

In the facts and circumstances of the case, since the allegations are only of facilitating the movement of the victim from village Meemsa to Bus Stand Malerkotla, who was a minor as such, but the petitioner is not attributed any such role of having sexually molested the victim. Thus, this Court is of the opinion that on account of the period of detention, which has been suffered by the petitioner, would enable him the benefit of regular bail, especially since the victim has also not named and identified him in Court.

Accordingly, the present petition is allowed. The petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Sangrur.

JULY 08, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No