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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-13420-2020 (O&M)

Date of Decision: 11.06.2020

Suraaj @ Budhu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Ishan Gupta, Advocate,
for the applicant-petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

CRM-11732-2020

Allowed as prayed for.

CRM-M-13420-2020

The instant petition has been filed under Section 439 of the Cr.P.C. seeking regular bail in case FIR No.141 dated 05.12.2019, under Sections 376 and 506 of the IPC and Section 6 of the POCSO Act, 2012 (Subsequently added Sections 376(2)(f) & 376(2)(n) of the IPC), registered at Police Station City-II, Malerkotla, District Sangrur.

[2]. The petitioner was arrested on 07.12.2019. Trial in the case has already commenced. Both, the minor victim girl and her mother, have turned hostile.

[3]. It has been nevertheless submitted on behalf of the State that being the own step-daughter of the petitioner, the victim and her mother are apparently under coercive influence of the petitioner.

[4]. At best, it can be observed that there is only a very limited force in this submission because undoubtedly throughout this period, the petitioner has actually remained in detention and so it is not understandable as to how he could have threatened the victim and her mother, who are outside.

[5]. Furthermore, the Medical Examination Report of the victim (Annexure P-2) does not support the allegations of rape as made out, much less continued and prolonged instances of rape.

[6]. In such circumstances, without making any further comments on the merits of the case or its likely outcome, in the opinion of this Court, detention of the petitioner at this stage for an indefinite period is not justified.

[7]. Considering the long detention undergone by the petitioner, he is ordered to be released on regular bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. It is also clarified that no observation made in any part of this order shall cast any reflection upon the final merits and the Ld. Trial Court shall pronounce its judgment independently on the basis of evidence available before it.

[8]. Disposed off.

11.06.2020

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No