

TARUN KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. P.S. Dhaliwal, Advocate
for the petitioner.

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

VIVEK PURI, J. (ORAL)

Petitioner is seeking regular bail in FIR bearing No. 73 dated 20.11.2019 under Sections 376(d), 376(d)(a), 376C, 34 IPC 1860 registered at Police Station Tallewal, District Barnala on the basis of the statement of the prosecutrix alleging that the police party headed by ASI Baldev Singh was investigating the case got registered by her under Sections 459, 307 read with Section 34 IPC and 25 of Arms Act at Police Station Tallewal. The prosecutrix was taken to Rajendra Hospital, Patiala by the police party on the pretext that her presence was required for recording the statement of injured. While returning from Patiala, ASI Baldev Singh and the co-accused committed gang rape upon her.

It has been contended by the learned counsel for Tarun Kumar, petitioner that his arrest was effected on 22.11.2019. During the course of the statement of the prosecutrix in the trial Court, she has not supported the prosecution version qua Tarun Kumar-petitioner. She has specifically categorically stated that the petitioner neither committed any obscene act nor

committed rape nor had any physical relation with her and she had moved an application and made statements during the course of investigation to salvage her position amongst the villagers. It has also been pointed out that the DNA examination also does not in any manner implicate the petitioner with the commission of offence.

Learned State counsel has not disputed this factual position of the case.

Without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

03.07.2020
renubala

(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No