

In virtual Court

CRM-M-15187-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15187-2020 (O&M)
Date of decision: 10.08.2020

Manga Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Parvesh Sachdeva, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.71 dated 07.04.2019 under Section 376-D IPC and Section 6 of POCSO Act, registered at Police Station Sadar Fazilka.

Learned counsel for the petitioner submits that as per allegations in the FIR, on 05.04.2019, the victim 'N' had gone to house of her father's sister, and the family living in the house had gone to Rajasthan. In the meantime, co-accused Sajan son of Buta Singh, Sagar son of Gella Singh and petitioner Manga Singh son of Malkeet Singh came there, after scaling the wall. The victim was acquainted with these persons. Thereafter, Sagar removed her salwar and started raping her without her consent. When the victim was crying for help, petitioner Manga Singh and co-accused Sajan kept on watching and

did not rescue her. On hearing the cries, her bua Kulwinder Kaur reached at the spot and in the meantime, assailants ran away.

Learned counsel for the petitioner further submits that statement of the victim is recorded as PW7, in which she levelled allegation of rape only against co-accused Sagar and no allegations of rape are there against petitioner Manga Singh and co-accused Sajan and only allegation is that they were present and were watching, but did not come to her rescue. It is further submitted that it is a matter of trial whether presence of the petitioner was there or not and co-accused Sajan, who was declared juvenile, has already been released on bail by the Juvenile Justice Board, whereas main accused Sagar is in custody. It is also submitted that the petitioner is in custody for the last 01 year and 04 months and is not involved in any other case.

Learned State counsel has filed status report by way of affidavit of Deputy Superintendent of Police, Sub Division, Fazilka along with the custody certificate dated 08.08.2020 in the Court today. As per the custody certificate, the petitioner has undergone 01 year and 04 months of custody and is not involved in any other case.

In the affidavit of DSP, Sub Division, Fazilka, the version given in the FIR is reiterated and it is not disputed that co-accused Sajan, against whom, similar allegations are there, as of present petitioner, has been granted bail by the Juvenile Justice Board.

After hearing learned counsel for the parties and going through the record, considering the allegations levelled against the petitioner and on perusal of statement of the prosecutrix PW7, this petition is allowed and the petitioner

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is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

The observations made in this order shall have no bearing on merits of the case before the trial Court.

[ARVIND SINGH SANGWAN]
JUDGE

10.08.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No