

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

210

CRM-M No.15391 of 2020

DATE OF DECISION : 13th AUGUST, 2020

Harmandeep Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present: Mr. Kulwinder Singh Rathore, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.96 dated 12.06.2019 registered under Sections 366-A, 376, 323, 506 & 120-B IPC and Section 4 of the POCSO Act, 2012 at Police Station Dharamkot, District Moga.

It is contended by the counsel for the petitioner that the case against the petitioner is totally concocted. Even as per the prosecutrix, there are no allegations against the petitioner that he committed any rape upon her. The only allegation is that the petitioner was standing outside the room, when the main accused Gurwinder Singh @ Bunt committed rape upon her. Still further it is submitted that the main accused have been released on anticipatory bail and even other co-accused of the petitioner, who was declared proclaimed offender, has

been granted bail by this Court. It is also submitted that the petitioner is in custody since 29.10.2019. There is no other case against the petitioner. The petitioner is not required for any investigation purposes.

Notice of motion.

Mr. Sukhbeer Singh Asstt. AG, Punjab, accepts notice on behalf of the State.

The learned counsel for the State, being instructed by SI Kulwinder Singh, submits that there are direct allegations against the petitioner. However, it is not disputed that the main accused has been granted interim protection against his arrest and that another co-accused, with similar role, as is against the petitioner, has been granted protection against his arrest by this court. It is also not disputed that the petitioner is in custody since 29.10.2019 and that there is no other case against him.

In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

13th AUGUST, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No