

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

CRM-M-16938-2020 (O&M)

Date of Decision: 18.08.2020

Surmudeen

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. G.K. Mann, Advocate for the petitioner.

Mr. A.S. Sandhu, Additional Advocate General, Punjab.

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TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner seeks benefit of regular bail pending trial in case FIR No.0004, dated 27.01.2020, under Section 376-D IPC and Sections 4 & 8 of the Protection of Children from Sexual Offence Act, 2012, registered at Police Station Mattewal, District Amritsar Rural.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Manjura who claims herself to be about 15 years of age. Allegations are that on 25.01.2020, complainant was forcibly dragged behind a paddy straw hump and was raped by the present petitioner as also co-accused, Goradeen.

Petitioner was arrested on 23.03.2020.

Counsel has submitted that the complainant herself has filed an affidavit stating that she was in love affair with co-accused, Goradeen and it is on account of such co-accused having refused to marry her that the

allegations of rape were made.

Counsel has also adverted to the ossification test of the complainant which would reflect her born age between 17 to 19 years. Still further argues that the allegations of rape having been committed by two persons do not find any corroboration from medical evidence inasmuch as no external injury was found on the person of the complainant at the time of medical examination.

It has gone uncontroverted that investigation having been completed, challan qua the present petitioner has already been presented.

Trial is at the initial stage and would take time to conclude.

Without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Disposed of.

18.08.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |