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

**CRM-M-23722-2020
Date of Decision: 26.08.2020**

Dalbir Singh @ Soni

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Jagjit Singh Lalli, Advocate &
Mr. Jagjit Singh Lalli, Advocate,
for the petitioner.

Mr. J.P. Ratra, DAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

This is a petition for regular bail filed under Section 439 Cr.P.C. on behalf of the petitioner in case FIR No.76 dated 18.12.2019, under Section 376 of the IPC and Sections 3, 4 & 6 of the POCSO Act, registered at Police Station Patara, District Jalandhar (Rural).

[2]. The petitioner has remained in detention since 18.12.2019.

[3]. Ld. Counsel for the petitioner draws attention of the Court to the statement given by the Prosecutrix herself under Section 164 of the Cr.P.C. before the Ld. Judicial Magistrate First Class, Jalandhar (Annexure P-2), in which, the said Prosecutrix had made all the allegations consistent with the FIR against the Driver of her School Bus, and had gone to the extent of stating that "Conductor was also there, he asked the Driver not to do so. Then he dropped me at home". It is, therefore, seen that the Prosecutrix in her statement had virtually not only absolved the petitioner from the allegations made in the FIR but had to some extent even defended

him by showing that he had asked the Driver of the School Bus not to indulge in those acts which were committed by him on the Prosecutrix.

[4]. Challan against the petitioner has already been submitted and Charges framed.

[5]. In such circumstances and considering the long detention undergone by the petitioner, who admittedly was the Conductor of the School Bus and not its Driver, as also the nature of the statement given *qua* him by the Prosecutrix, 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.

[6]. Disposed off.

26.08.2020

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No