

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

CRM-M-23672 of 2020(O&M)

Date of Decision: 25.08.2020

Jaspreet Singh

Petitioner.

Versus

State of Punjab

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Mikhail Kad, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG., Punjab.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioner, seeks the concession of bail pending trial in FIR No.239, dated 22.12.2019, under Sections 376, 452, 506 IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Sadar Sangrur, District Sangrur.

It is submitted that the petitioner has been falsely implicated in the abovesaid FIR, registered on the statement of the alleged victim. As per the said FIR, the victim claimed to be 15 years old, having one sister and two brothers. It is stated that she used to do domestic work in her house, having passed her 8th standard. She claimed to be all alone in her house on 28.11.2019 and at about 11.00.a.m., when she was washing utensils in the house, the petitioner came to their home. He forcibly took her inside one of the rooms in her house and committed rape. Thereafter, he threatened to make public the video, which he allegedly prepared. It is further stated that the victim/ complainant narrated all these facts to her mother on the same evening, but they did not tell the same to

her father. FIR was, ultimately registered on 22.12.2019.

Learned counsel for the petitioner argues that there is an unexplained delay in lodging of the FIR. The incident is alleged to have taken place on 28.11.2019, whereas the FIR was registered on 22.12.2019. The said FIR, it is contended is in-fact a counterblast to FIR No.237 dated 18.12.2019 (Annexure P-2), which was registered against the father of the complainant/victim, at the instance of the petitioner's paternal uncle (Chacha). Learned counsel for the petitioner further submits that even as per the MLR, no injuries etc., were found on the person of the victim and neither is there anything on record to indicate the commission of the offence as alleged. Furthermore, the misunderstandings due to which the present FIR was registered, have since been resolved and the complainant herself as well as the complainant's mother, have appeared before the learned Additional Sessions Judge, Sangrur, on 09.07.2020 and have stated that they have no objection, in case, the concession of bail is afforded to the petitioner. He refers to the said statements attached as Annexures P-3 and P-4, respectively. It is further contended that the petitioner, is not involved in any other criminal case and has been in custody since 06.01.2020. The petitioner, further undertakes that he shall not contact the victim or the complainant directly or indirectly. It is thus prayed that the present petition be allowed.

Learned counsel for the respondent-State, while unable to deny the statements of the victim and her mother, attached as Annexures P-3 and P-4, respectively, submits that the same have no value in the wake of the serious allegations levelled against the petitioner. Arguments raised by learned counsel for the petitioner, it is submitted are a matter of evidence and would be decided accordingly by the learned trial Court. The victim, in this case, is a minor. It is

thus prayed that this petition be dismissed.

Heard learned counsel for the parties.

Doubtlessly, allegations have been levelled in the FIR, which has been registered on 22.12.2019, in respect to an incident which allegedly took place on 28.11.2019. In given circumstances, the version put forth by a prosecutrix, may not be discarded, merely on the ground of delay. However, learned counsel for the State, is unable to deny that on 09.07.2020, at the time of hearing of the petitioner's bail application, before the learned Additional Sessions Judge, Sangrur, the victim and her mother, stated that they have no objection to the grant of bail to the petitioner as all the misunderstandings stand removed. Registration of FIR No.237 dated 18.12.2019, (Annexure P-2) against the father of the complainant/victim, is also a matter of record.

Learned counsel for the respondent-State, on instructions of ASI Ajaib Singh, verifies that the petitioner is not involved in any other criminal case. Challan stands presented. Due to the outbreak of the pandemic-COVID-19, not much progress is being made in the trial. There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in Court, if released on bail. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

Keeping in view the facts and circumstances as above, but without commenting upon or expressing any opinion on the merits of the case, this petition filed by petitioner-Jaspreet Singh, is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

Petitioner shall not try to contact the victim, complainant or any of the witnesses in any manner directly or indirectly. Any such infraction shall entail cancellation of bail afforded to him. In case, there is any inaccuracy regarding the statements dated 09.07.2020, Annexures P-3 and P-4, needless to say, it is open to the State/complainant to move an appropriate application.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

25.08.2020
s.khan

[LISA GILL]
Judge

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