

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

CRM-M-24420-2020

Date of Decision: 30.10.2020

Ranjit Singh and another

.. Petitioners

Vs.

U.T. Chandigarh

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vivek Kathuria, Advocate for petitioners.

Mr. Rajiv Sharma, A.P.P., for U.T. Chandigarh.

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Manoj Bajaj, J. (Oral)

Petitioners have filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.136 dated 05.11.2019 registered under Sections 323/341/354/354-B/365/376(1)/506/511 IPC and under Section 8 POCSO Act, (Section 376-D IPC and Sections 6 and 18 POCSO Act added later on) at Police Station Sector-49, Chandigarh. The petitioners are in custody since their arrest on 05.11.2019.

Learned counsel for the petitioners does not press this petition on behalf of petitioner No.1, namely, Ranjit Singh and wishes to withdraw the same.

The prayer is accepted.

The petition is ordered to be dismissed as withdrawn qua petitioner No.1 Ranjit Singh.

The FIR was registered on the basis of complaint made by complainant Sunita Devi and the allegations as noticed by the learned Addl. Sessions Judge,-cum-Judge Special Court, Chandigarh in the order dated 09.06.2020 are as under:

“The present case was registered at the instance and on the complaint of complainant age 17 years. In her complaint, she has stated that her father had lodged FIR regarding kidnapping and rape in the month of February 2019 against Ranjit and his family. On 05.11.2019 in the morning, she was going to Sector 48, Chandigarh on her bicycle. In the meanwhile, Ranjit along with his two other friends, one is Kailash and other is unknown came there on a motorcycle. They stopped her way and Ranjit threatened her to withdraw the case. They all dragged her into jungle area near Excel Society, Sector-48, Chandigarh, where they slapped and punched her. Ranjit tore her clothes, attacked on her left shoulder and back with a knife and threatened to rape her. On these accusations, the present case was registered against the applicant-accused”.

Learned counsel for applicant (Kailash Kumar) contends that the allegations leveled in the FIR would reveal that it was only an attempt to commit the offence and no offence of rape was committed. It is pointed out that it was co-accused Ranjit Singh, who had caused injuries to the victim, as he had previously committed rape upon her, and FIR under Section 376 IPC was registered against him at Police Station Auras Unnao, (U.P.). He submits that the investigation of the case is complete, therefore, the further custody of accused may not be necessary.

On the other hand learned counsel for U.T. Chandigarh assisted by ASI Mandeep Singh has opposed the prayer on the ground that the present occurrence was to threaten the victim and to pressurize her for withdrawing the case lodged against the co-accused Ranjit Singh. He has further submitted that the investigation of the case is complete, but the charges are yet to be framed.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete and the trial is likely to take some time to conclude. This Court is cognizant of the fact that the out-

conclusion of trial. Admittedly, petitioner No.2 is presently confined in judicial custody since 05.11.2019, therefore, his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner No.2 (Kailash Kumar) be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Chandigarh.

The petition is allowed.

30.10.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No