

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

**CRM-M No.27969 of 2020
Date of Decision :18.09.2020**

Surinder Singh @ Sonu

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr.S.S.Sandhu, Advocate for the petitioner.
Mr.Jagmohan Ghumman, DAG,Punjab.
(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual Court)

ARUN PALLI, J. (Oral):

The petitioner prays for a regular bail under Section 439 of Cr.P.C in FIR No.74 dated 10.06.2018, under Sections 376 of IPC and Sections 3 and 4 of Prevention of Children from Sexual Offences At, 2012, registered at Police Station Badhni Kalan, District Moga.

In brief, as per the prosecution version the victim, who was alleged to be 14 years of age at the time of occurrence, belonged to the family of labourers. Her elder sister namely Rano, who is married to Peeta Singh, is a resident of village Lopo. The victim used to stay with her sister and brother-in-law, who too are labourers, and six months back when they were away for work, the petitioner namely Sonu came at her sister's house. He told the victim that he was in love with her and upon winning her confidence, he had a sexual intercourse with her. The incident was not revealed to anybody. Whereafter, she went back to her parental village. However, it was after she complained of a stomach ache and her mother took her to a doctor, upon examination, it transpired that she was pregnant.

The victim was induced by the petitioner and on the pretext of marry her he had a sexual intercourse with her.

Learned counsel for the petitioner submits that *ex facie* the implication of the petitioner is false. In reference to the FIR as also the statement made by the victim in Court he submits that the alleged occurrence is of 6 months prior to the registration of the FIR. And, even as per the allegations, the petitioner is accused of single/solitary incident of sexual intercourse with the victim. Whereas the conclusion recorded in the forensic DNA test report dated 21.01.2020 (Annexure P-3) reads thus:-

- 1. “Kamaljeet Kaur (Source of Exhibit B-2) is the biological mother of Gurleen Kaur (Source of exhibit C-2).**
- 2. Surinder Singh (source of Exhibit A-1) is not the biological father of Gurleen Kaur (Source of Exhibit C-2).”**

Thus, he asserts that petitioner is not the biological father of the child namely Gurleen Kaur. Hence, the case of the prosecution is vitiated. He submits that in the given circumstances, incarceration of the petitioner, who is in custody for over a year, would defeat the ends of justice.

As opposed to this, Mr. Jagmohan Ghumman, DAG, Punjab, on instructions from ASI Pritam Singh, rather fairly submits that petitioner has been in custody since 22.06.2019, for over 1 year 2 months and 24 days. And, upon being asked he submits that the challan has been presented and even the charges have also been framed. And, out of 13 witnesses only three have been examined, thus far.

Thus, in the wake of the above, it would be just and appropriate to release the petitioner on regular bail.

Accordingly, the petition is allowed and the petitioner is ordered to be enlarged on bail subject to his furnishing adequate bail

bonds/surety bonds to the satisfaction of trial Court/ Duty Magistrate, Moga.

Needless to assert that this order as also the observation made hereinabove shall not constitute any expression of opinion on the merits of the case.

(ARUN PALLI)
JUDGE

18.09.2020
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No