

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

CRM-M-31735 of 2020

DATE OF DECISION :- December 18, 2020

Lovepreet Singh @ Babbu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Bhavyadeep Walia, Advocate for the petitioner.

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

The case has been taken up through Video Conferencing.

This second petition for regular bail has been filed by petitioner Lovepreet Singh @ Babbu, an accused in F.I.R. No. 33 dated 31.5.2019 registered with Police Station Mehna, District Moga for offences under Sections 363, 376, 354-D, 506 IPC and Section 4 of POCSO Act.

Briefly stated the facts of the case as per prosecution story are that 25.5.2019 at about 7.40 A.M. while prosecutrix, who happens to be a minor girl, was going to school then petitioner-accused forcibly kidnapped her and committed rape upon her. The matter was accordingly reported to the police. Formal F.I.R. was registered. Accused was arrested in this case. After completion of investigation and other formalities the challan was filed in the case. The petitioner had approached the Court of Sessions at Moga seeking regular bail but was unsuccessful. He had then knocked at the door of this Court craving for grant of regular bail but did not meet with any

success. He has filed petition for regular bail for the second time before this Court, which is being opposed by the State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has submitted that during the course of trial, statement of prosecutrix has been recorded as PW1; that of his mother complainant as PW2 and her father as PW3. None of them have supported the prosecution story and have not attributed any incriminating act to the petitioner. He has further contended that as per report received from FSL with regard to swabs taken from vaginal area of the victim, no trace of any semen was found to be there. Thus medical evidence also does not corroborate the prosecution version. He has submitted that accused, who is in custody w.e.f. 1.6.2019 be granted regular bail. Learned State counsel is though opposing the petition but on instructions from ASI Nachhatar Singh has conceded the fact that the prosecutrix and her parents have not supported the prosecution story and the report from FSL does not mention about presence of any trace of semen in the vaginal swabs of the prosecutrix.

Keeping in view the totality of circumstances, I find that conclusion of trial is likely to take some time, the petition deserves to be accepted and it is hereby allowed. Petitioner Lovepreet Singh @ Babbu is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Moga subject to the following conditions :-

- (i) He shall appear in the Court on each and every date of hearing.
- (ii) He shall not give any threat or intimidation to the

prosecution witnesses.

- (iii) He shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one, otherwise to furnish affidavit in that regard.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

December 18, 2020
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No