

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

230)

CRM-M-37021 of 2020 (O&M)
Date of Decision: 16.11.2020

Raju Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Sandeep Siwach, Advocate, for the petitioner.
Mr. Prabhjot Singh Walia, AAG, Punjab

Amol Rattan Singh, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 Pandemic.

By this petition, filed under the provisions of Section 439 of the Cr.P.C., the petitioner seeks the concession of 'regular bail' upon FIR no.96, dated 25.06.2020, having been registered at Police Station Joga, District Mansa, alleging therein the commission of offences punishable under Sections 363, 366A, 120-B and 376 of the IPC and Sections 3 and 4 of the Prevention of Children from Sexual Offences Act, 2012.

Learned counsel for the petitioner submits that even as per the prosecutrix, the only role that the petitioner played was that he took her from the house of Dalwinder Singh, with whom she had gone willingly, to the house of the aunt of Dalwinder Singh, with there being no allegation of the petitioner having committed rape.

Learned State counsel though not denying the aforesaid fact, however submits that the petitioner being complicit in the crime of a 14 year old girl having been enticed away, with allegedly rape committed upon her, he does not deserved the concession of bail.

Having considered the matter and looking at the allegation against the petitioner and the fact that the prosecutrix also did not name him (as contended) as the person who actually had any physical relations with her, with him having been now in custody for about 4 months, without making any comment on the merit of the case, this petition is allowed, with the petitioner ordered to be enlarged on bail, upon him furnishing adequate bail and surety bonds to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

16.11.2020

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(AMOL RATTAN SINGH)**JUDGE**

Whether speaking/reasoned :Yes

Whether Reportable : No