

Suraj

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Vidit Bansal, Advocate,
for the petitioner.

Mr. Ramdeep Partap, DAG, 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, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 of the Cr.P.C., upon FIR No.42, dated 23.02.2020, having been registered at Police Station Focal Point, Ludhiana, alleging therein the commission of an offence punishable under Section 376 of the IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

Learned counsel for the petitioner submits that other than the statement of the prosecutrix there is actually no medical evidence of rape having been committed.

He further points to the order passed by this court (co-ordinate Bench) in the case of a co-accused (Deep @ Gurdeep Singh) on 09.10.2020 in CRM-M-28439-2020, admitting that person to bail on the ground that he had been in custody for more than 7 months with even the

charges not framed.

Learned State counsel, on instructions from SI Kiran Pal Kaur, could not deny the fact that the petitioner (Suraj) is no differently placed to the aforesaid Deep @ Gurdeep Singh, which obviously is so even from a reading of the FIR.

Without making any comment whatsoever on the first contention raised by counsel for the petitioner, simply keeping in view the fact that he has been in custody now for 9 months with a similarly placed co-accused who had undergone 7 months of custody having been admitted to bail and the trial not having progressed thereafter also, the petition is allowed and the petitioner is ordered to be admitted to bail, upon him furnishing adequate bail and surety bonds to the satisfaction of the trial court/CJM/Duty Magistrate, concerned.

26.11.2020

dharamvir/

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : Yes
Whether Reportable : No