

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-43691 of 2019

Date of Decision: 18.02.2020

Prabhjot Singh @ Sonu

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Prashant Vashisth, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.105 dated 02.05.2019 under Sections 376/120-B IPC and Sections 342/370A IPC read with Section 4/8 POCSO Act (added later on) registered at Police Station Jamalpur, Ludhiana City.

Learned counsel for the petitioner has argued that there is no allegation against the petitioner that he has committed rape upon the prosecutrix. The petitioner has been involved in the present case, as he happens to be husband of Kamal Kaur, against whom there are allegations that she pushed the prosecutrix into prostitution. Moreover, as against the

18 witnesses cited by the prosecution, 9 witnesses have already been examined in the case. The petitioner is in custody since 09.08.2019.

Learned State counsel does not dispute the custody of the petitioner. However, she submits that the prosecutrix in her statement under Section 164 CrPC, has made allegations against the petitioner that she was pushed into prostitution by the petitioner along with co-accused.

I have heard learned counsel for the parties.

Admittedly, there is no specific allegation against the petitioner that he has committed rape upon the prosecutrix. In fact the petitioner is husband of Kamal Kaur against whom there are allegations of pushing the prosecutrix into prostitution. Considering the fact that the petitioner is in custody since 09.08.2019 and there is no specific allegation of rape on the petitioner, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the observation made hereinabove shall not be construed as an expression on the merits of the case.

February 18, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No