

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.7888 of 2021 (O&M)

Date of Decision:28.07.2021

(Heard through VC)

Jaspal Singh @ Jassa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.128 dated 11.09.2020 registered under Sections 363, 366, 376 IPC and Section 6 of the POCSO Act (Section 376-D IPC deleted) at Police Station Subhanpur, District Kapurthala.

Counsel for the petitioner would contend that the petitioner has been falsely implicated in the said matter, as would be evident from the statement given by the prosecutrix in Court where she has categorically stated that the petitioner is not the person, who had taken her away. It is also submitted that there is no medical on the record to substantiate the allegation of rape having been committed upon the prosecutrix.

Learned counsel for the respondent-State would oppose grant of regular bail to the petitioner by contending that petitioner herein is in custody under the said FIR for allegation of commission of offence under Section 376 IPC among others but is not in a position to dispute the fact that

the prosecutrix did not identify the petitioner nor the fact that there is no medical on record.

I have heard counsel for the parties. Keeping in view the fact that the investigation has been completed and the challan stands presented and the fact that the material witness has been examined who did not support the prosecution version, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

July 28, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No