

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-15456-2020 (O&M)

Date of Decision:-5.3.2021

Karamjit Singh @ Sonu @ Vikram @ Vicky

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Munish Garg, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Parkash Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.82 dated 2.5.2019 at Police Station Canal Colony, Bathinda, District Bathinda under Sections 376, 323, 506, 120-B of Indian Penal Code and Sections 3 and 4 of Protection of Children from Sexual Offences Act, 2012.
2. The FIR was lodged at the instance of the victim aged about 15 years wherein it has been alleged that on 29.4.2019 Satvir Kaur called on her mother's cellphone and told her to go to Bargari to meet Jassi who will get the marriage solemnized. Satvir Kaur is stated to be friend of victim's maternal uncle's daughter. Upon receiving the aforesaid message from Satvir

Kaur the complainant went to Bargari but Jassi was not there and when she rang up Jassi, he informed that he is presently in Haryana. Complainant has stated therein that she and Jassi are friends since the last about 2 months. Later Satvir Kaur also reached Bargari and told her that she will send one boy namely Vicky. Said Vicky came there and took the victim on a motorcycle towards Giddarbaha main road and later took her to a room where he started misbehaving with her. However, he administered something to the victim mixed with water and after consuming the same she became senseless. It is alleged that said Vicky thereafter removed her clothes and committed forcibly sexual intercourse with her without her permission. Later when she regained consciousness she found herself locked in a room which she managed to open with the help of a screw driver and escaped from the hotel. Later she again met Satvir Kaur who took her to her own house. On the next day, she was taken to Sanjivini Hospital, Bathinda where Satvir Kaur was working and later in the evening she was taken to a hotel room where Vikram was present who again started misbehaving with her and also sexually assaulted her forcibly. It is further alleged that on 1.5.2019 Satvir Kaur again came there and took her from Star hotel to Sanjivini Hospital and later she was taken to Qila Mubarak where her parents and other members of family came to meet her to whom she narrated about the entire incident.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the instant case and that, in any case, since the co-accused has already been granted bail, the petitioner also deserves the same concession on grounds of parity especially since he has already been behind bars since the last 1 year and 6 months.

4. Opposing the petition, the learned State counsel has submitted that since the victim was barely 16 years of age at the time of incident and it is the petitioner against whom specific allegations of rape have been levelled, no case for grant of bail is made out. The learned State counsel has, however, informed that the petitioner has been behind bars since the last 1 year and 6 months and that as on date 6 PWs out of cited 13 PWs have been examined.
5. I have considered rival submissions addressed before this Court.
6. Without commenting anything as regards the merits of the case, lest it may prejudice the case of the petitioner for his defence and while noticing that the petitioner has been behind bars since a substantial period of 1 year and 6 months and the prosecutrix already stands examined and that conclusion of trial is likely to consume more time, further detention of the petitioner will not serve any purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

5.3.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No