

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-22540-2021 (O&M)

Decided on : 20.07.2021

RANJIT SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAU
(Through Video Conferencing)

PRESENT: Mr. R.S. Rai, Sr. Advocate with Mr. Karan Pathak, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG Punjab
assisted by ASI Charan Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 0128, dated 25.10.2020 under Sections 376, 511, 376-D and 34 of the IPC and Section 4 and 6 of the POCSO Act (added later on) registered at Police Station Valtoha, District Tarn Taran.

Learned Senior counsel submits that highly improbable story has been put forth in the FIR in question by the complainant on account of pre-existing animosity between the parties. Learned counsel further submits that the delay of 8 days in lodging of the FIR, wherein allegations were levelled against the petitioner of luring the victim to a secluded place and thereby violating her person, find credence from the fact that during investigation offences under Section 376(D) IPC and Section 4 and 6 of the POCSO Act were deleted and the petitioner was charged only under Section 376 IPC read with Section 511 IPC and Section 8 of the POCSO Act. It has also been submitted that the DNA report further makes it abundantly clear

that the story put forth by the complainant is patently false, inasmuch as the DNA of the petitioner did not match with the samples of the person of the prosecutrix sent to the FSL by the investigating agency.

Learned Senior counsel contends that the petitioner has been in custody since 26.12.2020 and there is no likelihood of the trial concluding any time in the near future as only charges have been framed.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner on instructions from ASI Charan Singh has not been able to controvert the fact that the DNA report did not match with the sample of the person of the petitioner sent. He has conceded that offences under Section 376(D) of the IPC and Section 4 and 6 of the POCSO Act were deleted during investigation.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 20, 2021

S.Sharma(syr)

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*