

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

CRM-M No.23019 of 2021 (O&M)

Date of Decision:13.08.2021

(Heard through VC)

Sukhdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Raghav Goyal, Advocate
for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab.

JAISHREE THAKUR, J. (ORAL)]

CRM No.20361 of 2021

Prayer in the application is for preponement of the date of hearing of the main petition, which is now listed for 08.11.2021.

For the reasons stated in the application, the same is allowed and the hearing of the main petition is preponed for today itself.

CRM-M No.23019 of 2021

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.233 dated 03.08.2020 registered under Sections 342, 354, 354-A, 354-B IPC, Section 8 of the POCSO Act and Section 67 of the IT Act (Section 376 IPC, Section 4 of the POCSO Act, Sections 3(w) 1 & 3(e)(r) 1 of SC/ST (Prevention of Atrocities) Act added later on) (Section 201 and 376D IPC added during charge) at Police Station Lambi, District Sri Muktsar Sahib.

Learned counsel for the petitioner herein would contend that the petitioner has been in custody since 03.08.2020 and has been falsely implicated in the said matter, as would be evident from the DNA report made available. It

is submitted that the DNA report does not support the allegations of any offence having been committed upon the victim under Section 376 IPC. It is also argued that based on the said DNA report, co-accused has already been allowed bail by the Addl. Sessions Judge, Sri Muktsar Sahib.

Learned counsel for the respondent-State opposes grant of bail to the petitioner by contending that the allegations levelled against him are serious in nature, however, he is not in a position to dispute that the co-accused has already been allowed bail by the Additional Sessions Judge, Sri Muktsar Sahib or that DNA report does not make out a case under Section 376 IPC.

I have heard learned 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 DNA report does not make out a case under Section 376 IPC against the petitioner and on the basis of the said report, co-accused has already been allowed concession of regular bail by the Additional Sessions Judge, Sri Muktsar Sahib, 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.

August 13, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No