

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

CRM-M-20885-2020

Date of decision: 11.01.2021

Narinder Singh @ Ninder

.....Petitioner.

vs.

State of Punjab

.....Respondent.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

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

Mr. Sandeep Vermani, Additional Advocate
General, Punjab.

Mr. Santosh Kumar Yadav, Advocate,
for the complainant.

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Sanjay Kumar, J. (ORAL)

The petitioner seeks regular bail under Section 439 Cr.P.C. in relation to FIR No. 78 dated 05.06.2020 on the file of Police Station City Budhlada, District Mansa, registered under Sections 363, 366, 376 and 120-B IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

The allegation against the petitioner was that he enticed the minor daughter of the complainant to go with him on the intervening night of 04/05.06.2020 and committed rape upon her.

While so, the complainant, the second respondent herein, entered appearance through Mr. Santosh Kumar Yadav, learned counsel, and filed an affidavit to the effect that the subject FIR was registered on a misunderstanding and that his daughter disclosed to

him that the petitioner did not commit any wrong with her.

Further, the medical examination report of the girl did not disclose the commission of rape upon her and there were no signs of any use of force. The Forensic DNA test report disclosed that no human semen was detected on any of the exhibits subjected to analysis and the final opinion of the expert was that there were no signs suggestive of penetration of the vagina or anus of the victim.

In the light of the aforestated medical evidence and given the present stand of the complainant, no case of sexual assault is made out, *prima facie*, against the petitioner. The petitioner would therefore be entitled to relief at this stage, subject to conditions.

The petition is accordingly allowed directing the release of the petitioner on regular bail in FIR No. 78 dated 05.06.2020 on the file of Police Station City Budhlada, District Mansa, upon his furnishing a personal bail bond for a sum of ₹50,000/- along with a surety for a like sum to the satisfaction of the Duty/Illaqa Magistrate concerned. Further, the petitioner shall not offer any inducement, threat or promise to anyone connected with the case.

(SANJAY KUMAR)
JUDGE

11.01.2021

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no