

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

108+214

CRM-5424-2021 in/and

CRM-M-27049-2020.

Date of Decision: 26.02.2021.

Tarsem Singh @ Gori

....Applicant/Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Krishan Kumar Thakur, Advocate for applicant/petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

CRM-5424-2021

This application under Section 482 Cr.P.C. is for placing on record copy of statement of prosecutrix recorded under Section 164 Cr.P.C. and copy of her testimony recorded during the course of trial as Annexures P/4 and P/5 respectively.

Documents Annexures P/4 and P/5 are taken on record, subject to all just exceptions.

Main Case

Present petition under Section 439 Cr.P.C has been moved by petitioner-**Tarsem Singh @ Gori** for grant of regular bail in case FIR No.205 dated 22.12.2019 under Sections 376 and 506 IPC, Section 4 of POCSO Act and Sections 67 and 67-A of Information Technology Act,

Learned counsel for the petitioner *inter alia* contends that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further submits that there is delay of two months in registration of FIR as the alleged occurrence took place in October, 2019, whereas FIR was registered on 22.12.2019. He further submits that even otherwise, a bare perusal of medico-legal report of prosecutrix, no external and local injury mark was found present on the body of prosecutrix. He further submits that a bare perusal of Forensic DNA Test Report (Annexure R/1) reveals that DNA STR profile of prosecutrix does not match with the DNA STR profile of petitioner/accused. He further submits that petitioner is in custody since 22.12.2019 and he is no more required by the Investigating Agency for any investigation purpose. He further submits that challan has already been presented in Court and testimony of prosecutrix has already been recorded. He further submits that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and carefully gone through the contents of petition as well as reply alongwith annexures furnished at the instance of respondent-State.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 22.12.2019; that petitioner is no more required by the Investigating Agency for investigation purpose; that challan has already been presented in Court; that testimony of prosecutrix has already been recorded and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Tarsem Singh @ Gori** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Moga, as the case may be.

(LALIT BATRA)
JUDGE

26.02.2021
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No