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

CRM-M-35623-2021 (O&M)

Date of Decision: 12.10.2021

NEERAJ SINGH

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Joy Preet Meelu, Advocate,
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR.J (Oral)

CRM-34261-2021

Application is allowed, as prayed for.

Documents Annexures P-12 and P-13 are taken on record.

CRM-M-35623-2021

This is a petition that has been filed under Section 439 Cr.P.C.
for grant of regular bail to the petitioner in FIR No.18, dated 22.01.2020,
registered under Sections 363, 376 of IPC and Section 6 of the POCSO Act,
2012 (Section 363 IPC deleted lateron) at Police Station Mandi Gobindgarh,
District Fatehgarh Sahib.

Learned counsel for the petitioner would contend that the
statement of the material witnesses have been recorded and, therefore, he

would be entitled to regular bail. He would also contend that scientific evidence as produced on the record would not support the allegation of the offence of rape.

On the other hand, learned State counsel opposes the grant of regular bail by contending that the prosecutrix, who is 13 years old, has clearly given her statement under Section 164 Cr.P.C. as well as in the court that her stepfather (the petitioner herein) had caught her from behind and pushed her over the bed and then he did wrong act with her. It is when she cried out, her neighbour brought her mother to the room. It is the mother who made complaint to the police. It is also submitted that the prosecutrix herein has supported the entire case as mentioned in the FIR and the discrepancies in the statement are very minor. It is argued that in the FSL report that has come-forth, there is human semen that has been found on the vaginal swab itself, however, the DNA is inconclusive only for want of degeneration of the said sample which itself would not establish the fact that the offence of rape has not been committed. It is also submitted that the statement of PW5-Prince Kumar would also corroborate the statement as given by the prosecutrix that he on hearing cries of a girl went and called the mother. PW5 has also stated that he was able to see through a hole under the door that the petitioner herein was committing a wrong act. To this, the counsel for the petitioner would rely upon a fact that the building was newly constructed and the door has no hole for the eyewitness to have allegedly seen the occurrence.

After having heard learned counsel for the parties, it is not a case where this Court would be inclined to allow regular bail. However, as

the petitioner is already in custody since 22.01.2020 and the statements of the material witnesses have already been recorded, the trial Court is directed to expedite the trial and conclude the evidence of the remaining witnesses who are official witnesses, preferably within a period of 3 months.

Accordingly, the present petition stands dismissed.

However, any observation made while dismissing the bail would not construe to be an opinion given on merits and it is for the trial Court to decide the case on the evidence led.

(JAISHREE THAKUR)
JUDGE

12.10.2021

sanjeev

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