

CRM-M-37819 of 2020

**201IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-37819 of 2020
Date of decision: 28.01.2021

Jaspreet Singh @ Jassu

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Parvinder Singh, Advocate,
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks the grant of anticipatory bail in FIR No.121 dated 17.11.2019 under Sections 376/450/363/506/366-A/120-B IPC and Sections 3, 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Sadar Zira, District Ferozepur.

Petitioner is sought to be prosecuted for having raped the prosecutrix – a 16 years old girl.

Learned counsel for the petitioner contends that the petitioner, who is a young boy aged 20 years, has been falsely implicated in the case; there is no medical record to show that any rape was committed on the prosecutrix; there is no other criminal case in which he is involved; in her

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statement under Section 161 Cr.P.C. the prosecutrix did not allege any rape by the petitioner; even in her statement under Section 164 Cr.P.C. no allegation of rape was made by the prosecutrix qua the petitioner; however while appearing before the Trial Court the prosecutrix majorly improved her earlier statements to wrongly implicate the petitioner; investigation conducted by the police had found the petitioner innocent and that he was not challaned; the petitioner has been summoned only under Section 319 Cr.P.C. on the basis of the afore referred improved statement of the prosecutrix made by her before the Trial Court; the petitioner had always made himself available for investigation; under the interim orders passed by this Court the petitioner had surrendered before the Trial Court and was admitted to bail and that at this stage no useful purpose would be served by putting the petitioner behind bars.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he is accused of having raped a 16 years old girl.

The effect of the contradictions in the statements of the prosecutrix as also absence of medical record qua her rape shall be debated during the course of the petitioner's trial. However, the petitioner, who is a 20 year old boy, after investigation, was found innocent; he is not involved in any other criminal case; he made himself available during the entire investigation and that under the interim orders passed by this Court he surrendered before the Trial Court and was admitted to ad interim bail.

After considering the totality of the above facts, the order of this Court dated 17.11.2020 is made absolute.

Nothing observed herein-above shall be considered to be an

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expression of opinion by this Court on the merits of the case.

January 28, 2021
R.S.

(Deepak Sibal)
Judge

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