

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

**CRM-M-41984-2020
Date of decision-08.02.2021**

Ranjit Singh

....Petitioner

Vs.

Union Territory, Chandigarh

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vivek Kathuria, Advocate for the petitioner.

Mr. A.M.Punchhi, Public Prosecutor with
Mr. Anupam Bansal, APP, U.T.Chandigarh.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.136 dated 05.11.2019 registered under Section 323, 341, 354, 354-B, 365, 376(1), 506 and 511 Indian Penal Code, 1860 and Section 8 of The Protection of Children from Sexual Offences (POCSO) Act, 2012 (Section 376-D IPC and Sections 6 and 18 POCSO Act added later on) at Police Station Sector-49, Chandigarh. The petitioner is in custody since his arrest on 05.11.2019.

The FIR was registered on the basis of complaint made by complainant-Sunita Devi and the allegations as noticed by the learned Addl. Sessions Judge-cum-Judge Special Court, Chandigarh in the order dated 09.06.2020 are as under:

“The present case was registered at the instance and on the complaint of complainant age 17 years. In her complaint, she has stated that her father had lodged FIR regarding kidnapping and rape in the month of February 2019 against Ranjit and his family. On 05.11.2019 in the morning, she was going to Sector

48, Chandigarh on her bicycle. In the meanwhile, Ranjit along with his two other friends, one is Kailash and other is unknown came there on a motorcycle. They stopped her way and Ranjit threatened her to withdraw the case. They all dragged her into jungle area near Excel Society, Sector-48, Chandigarh, where they slapped and punched her. Ranjit tore her clothes, attacked on her left shoulder and back with a knife and threatened to rape her. On these accusations, the present case was registered against the applicant-accused”

Learned counsel has argued that the petitioner and the victim were previously known to each other, who has falsely implicated the petitioner as he has refused to marry her. Learned counsel has further argued that even as per the allegations, no case of rape would be made out as it is allegedly an attempt. He has invited the attention of the Court to the order dated 30.10.2020 (Annexure P-3) passed in CRM-M-24420-2020, whereby his co-accused-Kailash Kumar has been released on bail. He has further pointed out that after framing of charges in February 2020, no prosecution witness has been examined so far, therefore, his further custody may not be necessary. He prays that the petitioner be released on bail during the pendency of the trial.

On the contrary, Mr. A.M.Punchhi, Public Prosecutor, U.T. Chandigarh assisted by ASI Gurdeep Singh has opposed the prayer on the ground that the offence is serious. According to him, the petitioner had torn the clothes of the victim and caused injuries upon her. However, it is not disputed by him that out of total 21 prosecution witnesses, none has been examined so far and the case is now fixed for 24.02.2021.

At this stage, learned counsel for the petitioner has pointed out that the nature of the injuries suffered by the victim are abrasions and simple in nature.

Considering the above background and the fact that the trial is not making any headway, therefore, further detention of the petitioner behind the bars may not be justified, who is presently confined in judicial custody after his arrest on 05.11.2019.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

08.02.2021

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

(MANOJ BAJAJ)
JUDGE
No
No