

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

CRM-M-50540-2021
Date of decision:07.12.2021

Ramanjeet Singh @ Romi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amit Gupta, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.36 dated 12.04.2021 lodged under Sections 363, 366-A, 120-B IPC (Sections 376 IPC and 4 and 6 of POCSO Act added later on while Section 120-B IPC deleted) registered at Police Station Sanaur District Patiala.

Learned counsel for the petitioner *inter alia* contends that the petitioner, who has been in custody since 08.05.2021, has been falsely implicated in the case in hand on the allegations of committing rape upon the victim, aged about 17 years. He submits that both in the statement recorded under Section 164 Cr.PC as well as during her deposition before the trial Court (Annexure P-5), the victim while stepping into the witness box as PW-4, did not support the case of the prosecution, as a result of which, she was declared hostile. He further submits that 13 more prosecution witnesses are due to be examined. In the circumstances, further incarceration of the petitioner would not serve any useful purpose, more so, when the sole material witness i.e. victim already stands examined.

Per contra, learned State counsel while opposing the prayer made by counsel opposite, on instructions from ASI Vinod Kumar, has not been able to controvert the factum of the victim not alleging anything against the petitioner in her statement recorded under Section 164 Cr.PC as well as turning hostile during her deposition before the trial Court as PW-4. She, however, submits that the father of the victim i.e. complainant has supported the prosecution case while stepping into the witness box as PW-1. She has further submitted that the victim subsequent to the registration of the FIR in question was subjected to medical examination wherein she was found to be pregnant. She, still further submits that the aborted fetus was sent for DNA examination, however, the report has still not been received.

Heard learned counsel and perused the material available on record.

In the facts and circumstances of the case as enumerated hereinabove, the present petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

07.12.2021
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No