

CRM-M-1167-2022
Date of decision: 17.02.2022

AKASH BHATTI @ RAJINDER KUMAR ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Rituraj Singh, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Navraj Singh Mahal, Advocate
for respondent No.2/complainant.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated through email today and the same is taken on record.

Akash Bhatti @ Rajinder Kumar is seeking regular bail in the case bearing FIR No. 02 dated 05.01.2021 under Sections 376/354/323/511 IPC, 1860 and Sections 4/8 and 18 of POCSO Act, 2012, registered at Police Station Tanda, District Hoshiarpur.

Briefly, the case has been registered on the basis of the statement of the mother of the victim alleging that the victim is aged about 15 years. On 01.01.2021 at about 2:00 PM, the petitioner entered the room where the victim was sitting and he made an attempt to commit forcible sexual intercourse.

Learned counsel for the petitioner contends that during the proceedings in the bail matter in the Court of learned Additional Sessions Judge, Hoshiarpur, the complainant as well as victim had made a statement to the effect

statement under Section 164 Cr.P.C., the allegations are to the effect that there was an attempt to commit rape, the petitioner is in custody since 26.11.2021, the investigation of the case is complete and the challan has already been presented in the Court.

On instructions from ASI Maninder Kaur, learned State counsel has not assailed the aforesaid factual aspects.

Mr. Navraj Mahal, Advocate has put in appearance on behalf of respondent No.2/complainant and has stated that he has no objection if the petitioner is admitted on bail.

In the instant case, the allegations are with regard to attempt to commit rape, the petitioner is in custody for a period of 02 months and 21 days, the complainant and the victim had made a statement to the effect that the case has been got registered under some misconception, the investigation of the case is complete, challan has already been presented and the conclusion of the trial is likely to take sometime. As such, no fruitful purpose will be served by detaining the petitioner in further custody.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

17.02.2022
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(VIVEK PURI)
JUDGE

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