

CRM-M-1580-2022

Date of decision: 18.01.2022

AMRITPAL SINGH @ TOFFY

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

Ms. Ruchika Sabherwal, AAG, Punjab.

*(The case has been taken up through video conferencing on account of Covid-19 Pandemic)*VIVEK PURI, J. (ORAL)

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

Amritpal Singh @ Toffy-petitioner is seeking regular bail in the case bearing FIR No. 126 dated 14.08.2021, under Sections 376(3), 450 IPC and Sections 3/4/16/17 of the Protection of Children from Sexual offence Act, 2012 registered at Police Station Bhikhi, District Mansa.

Briefly, the allegations as felt out in the FIR are to the effect that the victim is aged about 14 years and was present alone in the house. Lovepreet Singh, co-accused gained entry in the house, took of the clothes of the victim and committed forcible sexual intercourse, an alarm was raised and Lovepreet Singh, co-accused got scared. The father of the victim was attracted at the spot. Lovepreet Singh, co-accused tried to slip away from the spot but father of the victim caught hold of him outside the house. The petitioner who is friend of Lovepreet Singh, co-accused was also standing outside the house to extend help and he grabbed the hands of the father of the victim to rescue Lovepreet Singh,

Heard and perused record.

Learned counsel for the petitioner contends that he has no concern with the occurrence and has been falsely implicated being a neighbourer of the family of the victim on account of some dispute. Moreover, the allegations with regard to commission of forcible sexual intercourse have not been leveled against the petitioner. The investigation of the case is complete and challan has already been presented in the Court.

On instructions from ASI Kuldeep Singh, learned State counsel has stated that the investigation of the case is complete and challan has already been presented in the Court. It has also not been disputed that the allegations with regard to the commission of offence under Section 376 IPC has not been attributed against the petitioner.

In the case in hand, the petitioner is in custody for the last more than 05 months and is not involved in any other case. The allegations against the petitioner are only to the effect that he was standing outside the house of the victim to extend help to the co-accused. The participation and involvement of the petitioner in the crime will be a debatable point during the course of trial. The investigation of the case is complete, the challan has already been presented and 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.

18.01.2022

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No