

CRM-M-3058-2022

Date of decision: 01.02.2022

RAHUL KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vipin Mahajan, 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)

Rahul Kumar-petitioner is seeking regular bail in the case bearing FIR No. 7 dated 05.02.2021, under Sections 376 IPC and Section 4 of POCSO Act, 2012, registered at Police Station Narot Jaimal Singh, District Pathankot.

Briefly, the case has been registered on the statement of the mother of the victim alleging that on 02.02.2021 at about 11:30 AM, she returned back from the school where she was working as Class-IV employee and the victim informed her that Rahul Kumar son of Parshotam Lal committed rape upon her while she was working in the kitchen.

Learned counsel for the petitioner contends that the petitioner is in custody since 05.02.2021, is not involved in any other case and furthermore, during the course of trial, the victim has not identified the petitioner.

On instructions from ASI Tarsem Singh, learned State counsel has opposed the bail application on the score that the victim has imputed allegations of commission of rape against the petitioner in the statement under Section 164

Cr.P.C.

Be that as it may, during the course of trial, the victim has not identified the petitioner. It has emerged in the statement of the prosecutrix (Annexure P-2) that the person present in the Court is Rahul Kumar son of Parshotam Lal i.e. the petitioner and is not the same Rahul Kumar who had committed the incident.

On a specific query by the Court, learned State counsel has pointed out that there is no DNA examination conducted in this case. 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 aforesaid observations have been circumscribed only for the purpose of disposal of the present bail application and the same shall not be construed as an expression on the merits of the case.

The petition is allowed accordingly.

01.02.2022
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(VIVEK PURI)
JUDGE

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