

CRM-M-8869-2022

Date of decision: 07.03.2022

AMRITPAL SINGH @ GOLDY

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Guninder Singh Brar, 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)

Amritpal Singh @ Goldy-petitioner is seeking regular bail in the case bearing FIR No. 45 dated 09.03.2021 under Sections 363/366/376/506 IPC, 1860 and Section 4 of Protection of Children from Sexual Offences, Act, 2012 and Section 3 of SC/ST Act, 1989 registered at Police Station Samrala, District Ludhiana.

Briefly, the FIR has been registered on the basis of the statement of the father of the victim alleging that victim is aged about 16 years. The prosecutrix disclosed to the complainant that the petitioner had taken her to his house and committed rape upon her. On that score, she attempted to commit suicide by jumping in the Canal.

Learned counsel for the petitioner contends that during the course of trial, the victim as well as her parents have not supported the prosecution version. Even no spermatozoa has been detected as per the report of CFSL.

On instructions from ASI Pawanjit Singh, learned State counsel has

not disputed that factual aspects. She has specifically stated that as per the report of CFSL, no spermatozoa has been detected.

It may be mentioned here that the bail has been declined to the petitioner by the learned trial Court primarily on the score that vaginal swabs were taken for detection of DNA and CSFL report is yet to be received.

However, it is significant to note that the CSFL report does not indicate the presence of spermatozoa. The victim and her parents have not supported the prosecution version. As per the custody certificate, the petitioner has undergone incarceration for a period of 11 months and 03 days and is not involved in any other case. As such, sufficient mitigating circumstances are made out to extend the concession of the bail to the petitioner.

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.

07.03.2022
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(VIVEK PURI)
JUDGE

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