

**107+215 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-11345-2022 in/and
CRM-M-9292-2022
Date of Decision: 01.04.2022**

**RAJINDER SINGH @ LADDI ... PETITIONER
VS.
STATE OF U.T. CHANDIGARH .. RESPONDENT**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Munish Bhardwaj, Advocate
for the petitioner.

Mr. J.S.Toor, APP for U.T.Chandigarh.

VIVEK PURI, J.(ORAL)

CRM-11345-2022

This is an application for placing on record DNA report dated
06.12.2019 as Annexure P-4.

For the reasons stated in the application, the same is allowed.
DNA report dated 06.12.2019 is taken on record as Annexure P-4, subject to
all just exceptions.

Application is disposed of.

CRM-M-9292-2022

Through instant petition, the petitioner is seeking regular bail in
case bearing FIR No.124 dated 20.10.2019 under Sections 363/366/376(2)
(n), 376 D IPC and Section 6 of POSCO Act, registered at Police Station
Sector-19, U.T.Chandigarh.

Custody certificate has been placed on record.

Briefly, the FIR has been registered on the basis of the
statement of the father of the victim alleging that on 19.10.2019 at about
12:30 P.M., the victim went missing from the house.

Learned counsel for the petitioner contends that the victim, who is aged about 17 years at the time of occurrence, has not supported the prosecution version during the course of trial. Furthermore, the DNA analysis only indicates with regard to the involvement of the co-accused Kulbir Singh. Precisely, the allegations against the petitioner were to the effect that he was working as an Auto Driver, he carried Kulbir Singh (co-accused) and the victim and dropped them at a hotel. The petitioner is in custody for a period of 02 years, 04 months and 17 days and not involved in any other case except one case under Prisons Act.

The bail application has been opposed by the learned State counsel and it has been argued that the victim was less than 18 years of age at the time of occurrence. Though she has not supported the prosecution version, but the DNA Analysis is indicative of the implication of the co-accused in the commission of crime. Furthermore, there is evidence in the form of CCTV footage taken from the hotel premises which also establish that the petitioner was accompanying the co-accused and the victim to the hotel.

Be that as it may, the allegations of commission of any sexual intercourse have not been attributed against the petitioner. It is not the case of the prosecutrix that the petitioner, in fact, had accompanied the co-accused and victim to the hotel room. The DNA analysis does not indicate the involvement of the petitioner in the commission of crime. The victim has not supported the prosecution version during the course of trial. The involvement of the petitioner in the commission of crime on the strength of CCTV footage will be a debatable issue during the course of trial. The petitioner is in custody for a period of 02 years, 04 months and 17 days.

In these set of circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate.

01.04.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No