

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

108+216

**CRM-M-9694-2022 (O&M)
Date of decision:22.09.2022**

JAGROOP SINGH ALIAS JOOPA

...PETITIONER

V/S

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. B.D. Sharma, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

...

SUVIR SEHGAL, J.(Oral)

CRM-34118-2022

Application is allowed as prayed for.

Testimony of the complainant and the victim, who have been examined as PW-2 & PW-3, respectively, are taken on record as Annexures P-3 and P-4.

CRM-M-9694-2022

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.78 dated 09.11.2021, under Sections 363, 366-A, 120-B, IPC, registered at Police Station Mattewal, District Amritsar (Rural), Annexure P-1.

Version of the prosecution is that FIR, Annexure P-1, has been registered on the statement of the mother of 14 year old girl (for short “the victim”) on the allegation that the victim is missing from her parental

home and despite extensive search, she could not be located. She suspects that Jagroop Singh @ Joopa (present petitioner), along with Labbu, Puja and Karan have enticed the victim.

By referring to the testimony of the victim, Annexure P-4, counsel for the petitioner submits that she has stated that the petitioner has not sexually assaulted her. Counsel urges that victim was not recovered from the custody of the petitioner and she has refused to get herself medically examined. He submits that star prosecution witnesses have been examined and the petitioner, who is in custody since 09.11.2021, deserves to be enlarged on bail.

Upon instructions from ASI, Jarnail Singh, State counsel submits that the petitioner, who is specifically named in the FIR, Annexure P-1, has enticed the victim. He, however, could not dispute the testimony of the victim.

Having considered the submissions made by the counsel for the parties, but without adverting to the merits or de-merits of the arguments addressed, this Court is *prima facie* of the view that complicity of the petitioner in the offence would remain controvertible before the Trial Court. Considering the length of custody, that material prosecution witnesses have been examined, there is no possibility of pressurising the victim and 13 more witnesses are yet to be step into the witness box, this Court is of the opinion that the petitioner, who is in custody for more than 10 months, would be entitled to be enlarged on bail.

Petition is allowed. Petitioner is ordered to be released on bail

on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

22.09.2022
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Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No