

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 217

CRM-M-11960-2022 (O&M)

Date of decision : 17.05.2022

Gurpreet Singh @ Gaggu

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Mayur Karkra, Advocate, for the petitioner.

Mr.Amitoj Singh Dhaliwal, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.66 dated 31.03.2021 registered under Sections 363, 366-A, 376, 120-B IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 at Police Station City Samana, District Patiala.

The petitioner is being prosecuted for having abducted and raped a minor girl.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; he is in custody since 19.04.2021; no other criminal case is pending against him; the prosecutrix and the complainant, while appearing before the Trial Court have categorically exonerated the petitioner; there is no medical evidence which supports the prosecution's case; as per the report of the CFSL, Chandigarh no male DNA profile was recovered from the exhibits belonging to the prosecutrix which were sent for examination and that since 12 prosecution witnesses still remain to be examined in the petitioner's trial, the same will take a long time to conclude.

Learned State counsel does not dispute the fact that the complainant and the prosecutrix while appearing before the Trial Court have been declared hostile as also that the medical evidence or the DNA profile does not implicate the petitioner but he opposes the grant of bail to the petitioner on the ground that he is accused of a heinous offence.

The petitioner is in custody since 19.04.2021; no other criminal case is pending against him; the prosecutrix and the complainant, while appearing before the Trial Court have categorically exonerated the petitioner; the medical report does not support the prosecution's case; as per the report of the CFSL, Chandigarh no male DNA profile was found from the exhibits of the prosecutrix which were sent for examination and that since 12 prosecution witnesses still remain to be examined in the petitioner's trial, the same is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Patiala the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

17.05.2022

shamsher

[DEEPAK SIBAL]

JUDGE

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