

231 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14000-2022
Date of Decision:13.05.2022

RANJIT ALIAS BAGWAN SINGH
V/S

... PETITIONER

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Madan Sandhu, Advocate for the petitioner.
Mr. Karan Sharma, DAG Haryana.

* * *

VIVEK PURI, J. (ORAL)

Custody certificate has been taken on record.

The petitioner is seeking regular bail in case bearing FIR No. 31 dated 02.04.2019 under Sections 109, 120-B, 376-D, 506 of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Women Sirsa, District Sirsa.

Briefly, the case has been registered on the basis of the statement of the victim, aged about 15 years, alleging that on 26.03.2019, her neighbourer Sharda, co-accused called the victim to her house. The petitioner took her in a room and committed rape upon her.

Learned counsel for the petitioner contends that the petitioner is in custody for a period of 3 years and 4 days, the material witnesses i.e. the victim and her father have been examined and Sharda, co-accused is on bail. It has been further stated that though the petitioner is involved in two other cases but he is on bail in both the cases. As per the report of FSL, human

semen has not been detected from the clothing of the victim or vaginal swabs.

The bail application has been resisted on the score that the victim was aged about 15 years and the case of the petitioner cannot be termed to be at par with that of Sharda, co-accused.

It may be true that the case of the petitioner cannot be termed to be at par with that of Sharda, co-accused but it is significant to note that the petitioner has undergone incarceration for a period of 3 years and 4 days. Out of 21, 9 witnesses are stated to have been examined. The victim and her father have been examined. As such, it cannot be said that the petitioner can win over or pressurize the victim. The petitioner is stated to be on bail in 2 other cases which have been registered against him. It has also not been disputed that the human semen has not been detected from the vaginal swabs or clothing of the victim.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

13.05.2022

Janki

(VIVEK PURI)
JUDGE

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