

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.209

CRM-M-15811-2022

Date of decision: 05.07.2022

Vicky

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Ravi Malhotra, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

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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.0049 dated 08.04.2021 registered under Section 376 IPC and Section 5 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Bhogpur, District Jalandhar.

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

Learned counsel for the petitioner contends that the petitioner is a 22 year old boy who has been falsely implicated in this case; the petitioner has no other criminal case pending against him; the petitioner has been in custody since 09.04.2021; as per the DNA report, the complainant is the mother of the child she has given birth to but the petitioner is not the father of such child; the aforesaid DNA report completely demolishes the case of the prosecution; all material witnesses including the prosecutrix have since been examined before the Trial Court and that since in the petitioner's trial 10 prosecution witnesses still remain to be examined, the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner is accused of having raped and impregnated a minor girl.

The petitioner is 22 year old boy; he has no other criminal case pending against him; the petitioner has been in custody since 09.04.2021;

all material witnesses including the prosecutrix and the prosecutrix's mother have since been examined in the petitioner's trial; as per the DNA report, the petitioner is not the father of the prosecutrix's child and since in the petitioner's trial 10 prosecution witnesses still remain to be examined, the same is likely to take a long time to conclude.

Keeping in view the totality of the above facts, 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, Jalandhar, 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.

July 05, 2022
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(DEEPAK SIBAL)
JUDGE

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