

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

(Sr. No. 213)

CRM-M No. 18486 of 2022

Date of decision : 25.07.2022

Satinder Singh @ Sunny

..... Petitioner

Versus

State of U.T. Chandigarh

..... Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. J. S. Rana, Advocate for the petitioner.

Mr. C. S. Bakshi, Addl. P.P., U.T. Chandigarh.

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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.19 dated 02.02.2021 registered under Sections 363, 366, 376 (2) (n), 376 (3) IPC read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Sector 34, Chandigarh.

Complainant Randeep Singh got lodged the FIR in question as per which on 24.01.2021 his 15 year old daughter was found missing. On being contacted by phone she told him that she was with Randeep Singh @ Deep. Search conducted by the complainant found his daughter to be in a hotel. On being recovered, his daughter told him that Randeep Singh @ Deep had enticed her away on the pretext of marriage but after sexually exploiting her he had abandoned her. Thereafter, the petitioner who was

working as a receptionist in a hotel had also sexually exploited her.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; he is not involved in any other criminal case; the petitioner is in custody since 02.02.2021; the complainant and the prosecutrix while appearing before the Trial Court have exonerated the petitioner of the offence he is alleged to have committed; all the material prosecution witnesses in the petitioner's trial stand examined and therefore the petitioner is not in a position to influence them and that since in the petitioner's trial 18 prosecution witnesses still remain to be examined, the same will take a long time to conclude.

Learned State counsel does not dispute the factum with regard to the period of incarceration of the petitioner as also that the prosecutrix and her father (complainant) while appearing before the Trial Court have turned hostile, but opposes the grant of bail to the petitioner on the ground that he has raped a minor girl.

The prosecutrix and her father (complainant) while appearing before the Trial Court have exonerated the petitioner of the offence he is alleged to have committed; the petitioner is not involved in any other criminal case; he is in custody since 02.02.2021; all the material prosecution witnesses have already been examined and that since in the petitioner's trial 18 prosecution witnesses still remain to be examined, the same is likely to take a long time to conclude.

Keeping in view the above facts in totality, 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, Chandigarh, 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.

25.07.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No