

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 205

CRM-M-17697-2022 (O&M)

Date of decision : 15.07.2022

Jarmanjit Singh @ Ajay

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Vivek K.Thakur, Advocate, for the petitioner.

Mr.Saurav Khurana, 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.106 dated 04.06.2021 registered under Sections 363 and 366A IPC (Section 376 IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 were added later on) at Police Station Nakodar Sadar, District Jalandhar.

The petitioner is being prosecuted for having kidnapped and raped the prosecutrix-a minor girl.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; he is in custody since 14.06.2021; the prosecutrix, her father and her mother while appearing before the Trial Court have completely exonerated the petitioner of all the offences he is accused of; even in the FSL report no male DNA has been detected on the samples of the prosecutrix which were sent for the examination; all material witnesses in the petitioner's trial have already been examined 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 opposes grant of bail to the petitioner on the ground that he has kidnapped and raped a minor girl.

The petitioner is in custody since 14.06.2021; the prosecutrix, her father and her mother while appearing before the Trial Court as the witnesses of the prosecution have completely exonerated the petitioner of all the offences he is accused of; in the FSL report no male DNA has been detected on the samples of the prosecutrix which were sent for the examination; all material witnesses in the petitioner's trial have already been examined 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.

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, 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.

15.07.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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