

GURPREET SINGH @ LUCKY

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Pankaj Bali, Advocate for the petitioner.
Ms. Ruchika Sabherwal, AAG Punjab.
Mr. Ankit Aggarwal, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

CRM-21321-2022

This is an application for placing on record the DNA report,
Annexure P-14. The same is allowed to be taken on record.

Registry is directed to tag the same at the appropriate place.

Disposed of.

Main case

Custody certificate has been taken on record.

The petitioner is seeking regular bail in case bearing FIR No.114
dated 02.06.2021 under Section 376-D IPC and Section 6 of Protection of
Children from Sexual Offences Act, registered at Police Station City-II, Khanna.

Briefly, the FIR has been registered on the allegations that on
02.06.2021, the petitioner along with co-accused namely Shiv Thakur took the
victim, who is aged about 17 years in a car. Shiv Thakur, co-accused committed
rape upon her and the petitioner had sexually assaulted her.

Learned counsel for the petitioner contends that there is no
allegation with regard to commission of penetrative sexual assault levelled
against the petitioner in the FIR. The parents of the victim have not supported
the prosecution version. The victim while appearing in the witness-box has

attributed allegations against Shiv Thakur, co-accused and another person. However, the victim during the course of her statement in the trial Court has not identified the petitioner. Shiv Thakur, co-accused has been declared as proclaimed offender. As per the forensic report, the DNA does not match with the petitioner. The petitioner is in custody for a period of 1 year, 1 month and 7 days and is not involved in any other case.

Learned State counsel has opposed the bail application on the score that in the statement under Section 164 Cr.P.C, the victim has named the petitioner also.

Be that as it may, during the course of trial, the victim has not identified the petitioner. Furthermore, the parents of the victim have not supported the version of the prosecution. The DNA report does not implicate the petitioner with commission of sexual intercourse. The petitioner is in custody for a period of 1 year, 1 month and 7 days and is not involved in any other case. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

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.

(VIVEK PURI)
JUDGE

15.07.2022

Janki

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