

CRM-41579-2021 in/and
CRM-M-22322-2021
Date of decision: 09.03.2022

HARBHAJAN SINGH @ BAGGU

..APPLICANT/PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Karandeep Singh Sidhu, Advocate
for the applicant/petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic).*

VIVEK PURI, J. (ORAL)CRM-41579-2021

The applicant seeks to placed on record the copy of the statement of
the witnesses as Annexures P-8 to P-10.

CRM application is disposed of and Annexures P-8 to P-10 are taken
on record.

Registry to tag the same at the appropriate place.

Main case

Custody certificate of the petitioner has been circulated through email
today and the same is taken on record.

Harbhajan Singh @ Baggu-petitioner is seeking regular bail in the case
bearing FIR No. 08 dated 09.02.2020 under Sections 376/506 IPC, 1860 and
Section 6 of POCSO Act, 2012 and later on added Sections 363/366-A IPC, 1860,
registered at Police Station Sadar Jalalabad, District Fazilka.

Briefly, the FIR has been registered on the allegations that the victim

is aged about 16 years and the petitioner was on visiting terms to her house. On 29.01.2020 at about 07:00 PM, the petitioner approached the victim and forced her to sit on a motorcycle on the pretext of solemnizing marriage. She was taken to the motor room of Pritam Singh where the petitioner committed rape upon her.

Learned counsel for the petitioner contends that during the course of trial, the prosecutrix and her parents have not supported the prosecution version, they have not imputed any allegation against the petitioner and furthermore, as per DNA report no male DNA was detected in the vaginal swabs and smear slides. The petitioner is in custody for a period of 01 year, 02 months and 27 days and is not involved in any other case. Moreover, out of 20, 11 witnesses including the material witnesses have already been examined.

On instructions from ASI Balwinder Singh, the learned State counsel has not disputed the aforesaid factual aspects.

Keeping in view the fact that the prosecutrix and her parents have not supported the prosecution version, the DNA report also does not indicate that the involvement of the petitioner for the commission of crime and the period of incarceration already undergone by the petitioner, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

09.03.2022
renubala

(VIVEK PURI)
JUDGE

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