

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25522-2020 (O&M)

Date of Decision: 04.02.2022

Rajesh Poddar

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

Mr. Tanvir Joshi, AAG Punjab.

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

* * *

VIVEK PURI, J. (ORAL)

CRM-3734-2022

This is an application to place on record Annexure P-4 i.e. the statement of the prosecutrix. The same is allowed to be taken on record.

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

Disposed of.

Main case

Custody certificate has been placed on record.

Petitioner-Rajesh Poddar has prayed for grant of regular bail in case FIR No.104 dated 15.10.2019, under Sections 363, 366-A (Section 376(2)(N) IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 added later on) registered at Police Station Sudhar, District Ludhiana.

Briefly, the case was registered on the statement of the mother of the victim alleging that the date of birth of the victim is 05.10.2005 and on 14.10.2019, she was kidnapped by the petitioner.

Learned counsel for the petitioner has contended that the petitioner has undergone incarceration for a period of 2 years, 2 months and 9 days and he is not involved in any other case.

It has further been stated that during the course of trial, the statement of the prosecutrix has been recorded and the victim has specifically and categorically stated that petitioner has neither committed rape upon her nor enticed her away on the pretext of marriage.

Learned State counsel, on instructions of ASI Lakhbir Singh, has not assailed the aforesaid factual aspect and has further stated that there is no DNA report in the instant case.

In the case in hand, the petitioner is in custody for a period of 2 years, 2 months and 9 days and is not involved in any other case. Furthermore, the victim has not supported the case of the prosecution and as such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Considering the above and the fact that the trial is likely to consume some time, further detention of the petitioner may not be justified. 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 requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

(VIVEK PURI)
JUDGE

04.02.2022

Janki

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