

**107+213 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-30801-2021 (O&M)

Date of Decision: 29.03.2022

GAGANDEEP SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Abhinav, Advocate, for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

VIVEK PURI, J.(ORAL)

CRM-10070-2022

Prayer in this application is for placing on record copy of statement of the victim/prosecutrix recorded during the course of trial as Annexure P-9.

For the reasons stated in the application, the same is allowed. Annexure P-9 is taken on record, subject to all just exceptions.

Registry is directed to annex the same at appropriate place.

Application is disposed of.

CRM-M-30801-2021

Through instant petition, the petitioner is seeking regular bail in case bearing FIR No.19 dated 24.02.2021 under Sections 363/366-A later on Section 376 IPC added vide rapat no.033 dated 16.06.2021 and Section 120-B IPC and Sections 5, 6 and 16 of POCSO Act added vide rapat no.22 dated 13.06.2021, registered at Police Station Jaitu, District Faridkot.

Briefly, the case has been registered on the statement of the complainant, who is father of the minor prosecutrix alleging that on 23.02.2021 at about 10:00 A.M., the minor prosecutrix alongwith major

prosecutrix had gone to Jaito Market for doing some shopping, but did not return back home till late evening. It was suspected that Lalla (co-accused) had kidnapped the minor prosecutrix and the petitioner had kidnapped the major prosecutrix on the pretext of solemnizing the marriage.

Learned counsel for the petitioner contends that the allegations with regard to commission of rape upon the major prosecutrix have been levelled against the petitioner. Significantly, the major prosecutrix has solemnized marriage with the petitioner as they were in relationship. She has already submitted an affidavit dated 28.07.2021 (Annexure P-4) in this regard. Furthermore, during the course of trial, the statement of major prosecutrix was also recorded, wherein also she has reaffirmed the fact of solemnization of marriage with the petitioner after she had attained the age of majority. Furthermore, the minor prosecutrix has also been examined during the course of trial and she has not supported the prosecution version.

Learned State counsel has conceded that there is no scientific/medical evidence to support the version of the prosecution as the prosecutrix never consented for their medical examination.

The petitioner is stated to be in custody since 22.04.2021 and not involved in any other case.

Keeping in view the aforesaid circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate.

29.03.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No