

218 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 25.08.2022
CRM-M-28711-2022

LALIT RAM ... PETITIONER
VS.
STATE OF PUNJAB .. RESPONDENT

CRM-30850-2022 in/and
CRM-M-9471-2022

RAVINDER SINGH ... PETITIONER
VS.
STATE OF PUNJAB .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Vipin Mahajan, Advocate
for the petitioner in CRM-M-28711-2022.

Mr. Deepak Arora, Advocate
for the petitioner in CRM-M-9471-2022.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

CRM-30850-2022 in CRM-M-9471-2022

This is an application for placing on record copies of the statement of the victim and her mother as Annexures P-4 and P-5.

For the reasons stated in the application, the same is allowed. Copies of the statement of the victim and her mother are taken on record as Annexures P-4 and P-5, subject to all just exceptions.

Registry is directed to annex the same at appropriate place.

Application is disposed of.

CRM-M-28711-2022 & CRM-M-9471-2022

The petitioners are seeking regular bail in case bearing FIR No.92 dated 08.08.2021 under Sections 420/363/366/376/120-B IPC and Sections 4,6 and 17 of POCSO Act, registered at Police Station Sadar, District Gurdaspur.

Custody certificates have been placed on record.

Briefly, the FIR has been registered on the allegations that on 07.08.2021, the victim, aged about 16 years, was taken to Haveli Palace and restaurant, where penetrative sexual assault was committed upon her by petitioner-Ravinder Singh. Furthermore, the allegations against petitioner-Lalit Ram are to the effect that he was working as Manager in the Haveli Palace and restaurant, where the offence was committed.

Learned counsel for the petitioners contend that during the course of trial, the victim and her mother have been examined but they have not supported the prosecution version. The victim has deposed to the effect that the petitioners and Laxmi had neither kidnapped her nor committed any offence against her. She has also specifically stated that petitioner-Ravinder Singh had not committed rape upon her. Even the mother of the prosecutrix has not supported the prosecution version.

Learned State counsel has opposed the bail application on the score that human semen was detected on the T-shirt and lower of the petitioner and out of 12, 20 witnesses have been examined. On a query, it has been stated that the samples have not been sent for DNA analysis.

In the instant case(s), the prosecutrix and her mother have not supported the prosecution version. Petitioner-Ravinder Singh had undergone incarceration for a period of 01 year and 13 days and petitioner-Lalit Ram has undergone incarceration for a period of 11 months and 23 days. Both of them are not involved in any other case. The conclusion of trial is likely to some time and no fruitful purpose will be served by detaining the petitioners behind the bars.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioners. Accordingly, without making any observation on the merits of the case, the present petitions are allowed and petitioners are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate//Duty Magistrate.

25.08.2022

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(VIVEK PURI)**JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No