

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

329

CRM-M-34581-2022 (O&M)
Date of decision: 21.09.2022

SONU SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG Punjab.

MANJARI NEHRU KAUL. J. (ORAL)

CRM-27926-2022

Allowed as prayed for.

CRM-M-34581-2022

This is 02nd petition filed under Section 439 CrPC for grant of regular bail to the petitioner in case FIR No.395 dated 17.11.2020 under Sections 363 and 366-A of the IPC, registered at Police Station Lambi, District Sri Muktsar Sahib.

Learned counsel submits that after the dismissal of the previous petition on 25.08.2021, the victim has been examined before the trial Court and she has deposed on the same lines as her statement under Section 164 CrPC, wherein she had not levelled any allegations of wrongdoing against the petitioner.

Learned counsel for the petitioner submits that the false implication of the petitioner in the FIR in question is evident from the fact that after the victim was recovered on 04.12.2020, in her statement recorded under Section 164 CrPC on 07.12.2020, neither did she level any allegation of wrong-doing against

the petitioner nor anybody else. He further submits that in fact the victim also declined to subject herself to medical examination after her recovery on 04.12.2020.

Learned counsel has drawn the attention of this Court to the deposition of the victim which has been placed on record today. He submits that even while deposing before the trial Court, the victim had categorically deposed that she had left her home of her own accord and thereafter had stayed in her uncle's house for a month.

Per contra, learned State counsel on instructions from ASI Harvinder Singh while opposing the submissions made by the counsel opposite submits that while getting the FIR registered, the father of the victim suspected the involvement of the petitioner in the crime in question and the said fact found reflected in the FIR, which has been annexed as Annexure P-1. Learned State counsel has however not been able to controvert the submissions made by the counsel opposite that neither in her statement made under Section 164 CrPC nor during her testimony before the trial Court, the victim had alleged any wrongdoing against the petitioner, much less of having lured her away from her home on 17.11.2020. He has also conceded that on her recovery on 04.12.2020, the victim had declined to subject herself to any medical examination. He has also not controverted that the victim who is the sole material witness in the case in hand stands examined and there are 18 other prosecution witnesses, who are yet to be examined.

I have heard learned counsel for the parties and perused the material on record.

In view of the the facts and circumstances as enumerated hereinabove,

more so when the victim has not alleged any wrongdoing against the petitioner, during her testimony before the trial Court, this Court deems it fit to allow the instant petition. The petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything contained in this order shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 21, 2022

S.Sharma(syr)

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