

**219 IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**CRM-M-40537-2022**

**Date of Decision: 09.09.2022**

**KUSHPREET SINGH**

**... PETITIONER**

**VS.**

**STATE OF PUNJAB**

**.. RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present : Mr. S.S.Sarwara, Advocate, for the petitioner.

Mr. A.P.S.Tung, DAG, Punjab.

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**VIVEK PURI, J.(ORAL)**

The petitioner is seeking regular bail in the case bearing FIR No.173 dated 10.08.2021 under Sections 328/351-D/363/366-A/376 IPC and Section 4 of the POCSO Act registered at Police Station City Rajpura, Patiala.

Custody certificate has been placed on record.

Briefly, the allegations against the petitioner are to the effect that the victim is aged 17 years. On 02.08.2021, the petitioner put a cloth piece on her face and she became unconscious. In the morning hours, the victim saw the blood near her private parts and the petitioner was standing near her. The petitioner tried to run away from the spot and efforts were made to chase him. The victim was brought back to her home and on account of pain, she was admitted to Government hospital, Rajpura by her mother. The petitioner had administered some intoxicant substance and committed rape upon the victim after kidnapping her.

Learned counsel for the petitioner contends that the petitioner is in custody for a period of 01 year and 21 days and not involved in any other case. The statement of the victim has also been recorded. During the course of trial. There is a delay of about 08 days in lodging the FIR and medico-legal examination has been conducted after a delay of 07 days.

Learned State counsel has submitted that during the course of medico-legal examination and as per the report of Chemical Examiner, spermatozoa were detected. Furthermore, as per the report of DNA, it has matched with the petitioner. The victim while appearing in the witness box has supported the prosecution version.

In the instant case, the victim is 17 years old young girl, who was rendered unconscious by the petitioner and penetrative sexual assault has been committed upon her. The report of Chemical Examiner and DNA analysis also tend to implicate the petitioner in the commission of crime. Moreover, the victim, during the course of her statement in the trial court, has also supported the prosecution version. It will be too early to dispute the genuineness of the version of the prosecution on the ground that there is delay of about 08 days in lodging the FIR. The victim was administered some intoxicant substance which rendered her unconscious. After the commission of penetrative sexual assault, she remain under pain. Furthermore, in the cases of sexual assault, the delay may not be of much significance as the honour of the victim and family is to be at stake. Even the delay in medico-legal examination will not enure any benefit to the petitioner at this stage, particularly, because there are categorical allegations levelled against him with regard to penetrative sexual assault upon a girl aged about 17 years, who has also supported the allegations during the course of trial while appearing in the witness box.

Keeping in view the gravity of allegations and entire circumstances, no ground is made out to extend the concession of bail to the petitioner.

Dismissed.

**09.09.2022**  
smriti

**(VIVEK PURI)**  
**JUDGE**

Whether speaking/reasoned  
Whether Reportable

: Yes/No  
: Yes/No