

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

224

CRM-M-43052-2022

Date of decision: 22.09.2022

AMAN KHAN

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Amjad Khan, Advocate for the petitioner.

Ms. Ruchika Sabarwal, DAG, Punjab.

VIVEK PURI, J. (oral)

The petitioner is seeking regular bail in case bearing FIR No. 20 dated 02.02.2021 under Sections 363, 366-A IPC, 1860 (Section 376-D IPC and Section 3/4 of POCSO Act, 2012 added later on), registered at Police Station Nakodar Sadar, District Jalandhar Rural.

Custody certificate filed on behalf of the respondent-State is taken on record.

Briefly, the FIR has been registered on the basis of the statement of the father of the victim alleging that on 02.02.2021 the victim aged about 15 years, went missing from the house.

Learned counsel for the petitioner contends that during the course of trial, the victim has not supported the allegation with regard to penetrative sexual assault against the petitioner and even no such allegation was levelled in the statement under Section 164 Cr.P.C. The victim had also refused to get herself medically examined. The petitioner is in custody for a period of 1 year 6 months and 17 days and not involved in any other case.

Learned State counsel has not assailed the factual aspect of the matter but has opposed the bail application on the score that the victim who is a minor, has been recovered from the custody of the petitioner.

The victim during the course of trial has not attributed allegation of commission of penetrative sexual assault against the petitioner and even she has refused to get herself medically examined; and that there is lack of scientific evidence to support the allegation with regard to commission of rape. The petitioner is in custody for a period of 1 year 6 months and 17 days. So far, out of 21, only 8 witnesses have been examined. The trial will take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

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 fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

September 22, 2022
Jyoti-IV

(VIVEK PURI)
JUDGE

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