

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

**CRM-M-44465-2022 (O&M)
Date of decision:16.12.2022**

Ram Singh @ Raja @ Ramji	Vs.	... Petitioner
State of Punjab		... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. K.S. Sidhu, Advocate for the petitioner.

Mr. H.S. Sullar, Sr. DAG, Punjab.

TEJINDER SINGH DHINDSA, J. (ORAL).

This is the 4th petition filed under Section 439 Cr.P.C. seeking regular bail to the petitioner pending trial in case FIR No.177, dated 15.10.2019, under Sections 376/323 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Kotbhai, District Sri Muktsar Sahib.

FIR came to be lodged on the statement of Kamaldeep Kaur. Victim is stated to be the real sister of the complainant. Incident is stated to be of 14.10.2019. As per complainant, the present petitioner was married to a daughter of a family residing in the neighbourhood. Precise allegations are that on the date of occurrence, petitioner enticed the victim and took her away on a motorcycle towards a particular village and committed forcible sexual assault.

Petitioner was arrested on 16.10.2019.

Learned State counsel vehemently opposes the prayer made in the petition citing the gravity of the offence. It is further submitted that a DNA report has been received and the conclusion drawn therein is that the human semen detected on the *kameez* of the victim is of the petitioner

herein.

During the course of hearing today, it has gone uncontroverted that during the course of trial, the victim, the complainant (sister of the victim) as also uncle of the victim and who would been seen as the material witnesses have not supported prosecution version and have been declared hostile.

Insofar as the DNA report is concerned, counsel for the petitioner has adverted to the deposition of the victim recorded before the trial Court wherein she had stated that she had not provided any of her private belongings/clothes to the Investigating Agency.

Petitioner has faced incarceration since 16.10.2019.

Out of 22 prosecution witness cited, only 3 have been examined till date.

Trial, as such, would take time to conclude.

In view of the above, prayer made in the instant petition is allowed.

Petitioner, Ram Singh @ Raja @ Ramji be enlarged on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

It is, however, made clear that any observations made in this order granting bail would not have any bearing on the trial that is being conducted.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

16.12.2022
harjeet

- | | | |
|------|----------------------------|--------|
| (i) | Whether speaking/reasoned? | Yes/No |
| (ii) | Whether reportable? | Yes/No |