

CRM-M-46089-2022

Date of decision: 14.10.2022

TEJINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sandeep Sharma, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Tejinder Singh-petitioner is seeking regular bail in the case bearing FIR No.164 dated 27.06.2021 under Sections 376/506/341/342 IPC, 1860 and Section 4 of the Protection of Children from Sexual Offences Act (Amended) 2012, registered at Police Station Chheharta, District Police Commissionerate Amritsar.

Briefly, the FIR has been registered on the allegations that the victim is aged about 16 years. On 22.02.2021, the petitioner had threatened the victim and taken her to a guest house, where he forcibly committed rape upon her.

Learned counsel for the petitioner contends that the statement of the victim as well as her parents have been recorded during the course of trial but they have not supported the prosecution version. The petitioner is in custody for a period of about 01 year and 10 days and is not involved in any other case.

Learned State counsel has opposed the bail application on the score

yet been received and even, the samples of the petitioner for DNA analysis have been procured. Moreover, out of 21, only 04 witnesses have been examined so far.

It is significant to note that the case was registered as back as on 27.06.2021. The victim was medico legally examined on 28.06.2021. Despite the lapse of a period of about 01 year and 03 months, the report of chemical examiner has not been received. The petitioner is in custody for a period of 01 year and 10 days. Out of 21, only 04 witnesses have been examined so far. The victim and her parents have not supported the prosecution version. The receipt of the report of chemical examiner and thereafter, the report of DNA analysis, if any and the conclusion of the trial are likely to take substantial time. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

14.10.2022
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(VIVEK PURI)
JUDGE

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