

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

**CRM-M-53493-2021
Date of Decision: 14.02.2022**

Kulbir Singh @ Joban

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. M.S.Basra, Advocate for the petitioner.

Ms. Ruchika Sabherwal, AAG Punjab.

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VIVEK PURI, J. (ORAL)

Petitioner-Kulbir Singh @ Joban has prayed for grant of regular bail in case bearing FIR No.284 dated 28.12.2020, under Section 376 IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Dhariwal, District Gurdaspur.

Briefly, the case has been registered on the statement of the mother of the victim alleging that the victim is aged about 14 years. On 26.12.2020 at about 6 p.m., the complainant had gone to take medicine and when she returned back at about 7 p.m., she saw the petitioner committing rape upon the victim near the house on manure pits. When the complainant went closer, the petitioner ran away.

Learned counsel for the petitioner has contended that the victim and her mother have not supported the prosecution version. The petitioner is in custody for more than one year. Furthermore, the forensic DNA test report indicates that human semen was not detected from the vaginal swabs.

Learned State counsel, on instructions of ASI Gurdeep Singh,

has not disputed the aforesaid factual aspect of the case.

Keeping in view the fact that the victim and her mother have not supported the prosecution version, human semen has not been detected from the vaginal swabs, the petitioner has undergone incarceration for a period of more than one year and he is not involved in any other case, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

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

The petition is allowed.

14.02.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No