

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.220

CRM-M-982-2022 (O&M)
Date of decision: 10.08.2022

Akashdeep Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Anurag Chopra, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.88 dated 24.05.2021 registered under Sections 363, 366-A, 376 and 120-B IPC and Sections 6 and 8 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Machhiwara, Ludhiana.

The petitioner is being prosecuted for having kidnapped and raped a minor girl.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner has no other criminal case pending against him; the petitioner has been in custody since 25.05.2021; the prosecutrix and her mother have already been examined in the petitioner's trial and during the course of their deposition they have given a clean chit to the petitioner; even in the FSL report no human semen or male DNA has been detected on the Exhibits of the alleged victim which were sent for forensic examination and that since in the petitioner's trial 11 prosecution witnesses still remain to be examined, the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has kidnapped and raped a minor girl.

While appearing before the Trial Court as PW-1 the prosecutrix has stated that the petitioner neither kidnapped nor raped her; to the same effect is the statement of PW-2 – prosecutrix's mother – Sarabjit Kaur; the petitioner has been in custody since 25.05.2021; he has no other criminal case pending against him and that since in the petitioner's trial 11 prosecution witnesses still remain to be examined, the same is likely to take a long time to conclude.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Ludhiana, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

August 10, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No