

RAJDEEP SINGH @ GOLU

... PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. P.S.Sekhon, Advocate for the petitioner.

Mr. Amit Shukla, AAG Punjab.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 64 dated 07.05.2022 under Sections 363, 366-A, 120-B IPC (Section 376-D IPC and Section 6 of Protection of Children from Sexual Offences Act added later on), registered at Police Station Longowal, District Sangur.

Briefly, the FIR has been registered on the allegations that on 06.05.2022, the victim who is stated to be 17 years went missing from the house.

Learned counsel for the petitioner contends that the victim was allegedly recovered on 13.05.2022. In her statement recorded under Section 161 Cr.P.C., the victim has not attributed any allegations of penetrative sexual assault against the petitioner. Only allegation is to the effect that he had facilitated the petitioner and the co-accused Preet Singh for going to Amritsar by bus. Subsequently, on 26.05.2022, the supplementary statement of the victim was recorded wherein she has levelled allegations of commission of penetrative sexual assault against the petitioner also. However, during the course of trial, the victim as well as her parents have not supported the prosecution version. The petitioner is in custody for a period of 6 months and 16 days and is not involved in any other case.

Learned State counsel has opposed the bail application on the score that in her statement recorded under Section 164 Cr.P.C., recorded at the first instance on 13.05.2022, the victim has not imputed allegation against the

petitioner. However, in her subsequent statement under Section 164 Cr.P.C. recorded on 10.06.2022, the victim has imputed allegations of penetrative sexual assault against the petitioner. On instructions from ASI Onkar Singh, learned State counsel submits that out of 18, only 2 witnesses have been examined.

It may be mentioned here that the submission of learned State counsel with regard to the fact that only 2 witnesses have been examined appears to be factually incorrect. The petitioner has placed on record the copies of the statement of the victim and her parents. The record indicates that the mother of the victim had appeared in the Court as PW6. However, it remains a fact that the victim and her parents have not supported the prosecution version and even the medical examination of the victim has been conducted on 26.05.2022 despite the fact that she was recovered on 13.05.2022. At the earlier instance, she had refused for medical examination. The petitioner is in custody for the last 6 months and 16 days. The conclusion of trial is likely to take some more time and no fruitful purpose would 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. 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 fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

29.11.2022

Janki

(VIVEK PURI)
JUDGE

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