

209

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2062-2022

Date of Decision:- 10.02.2023

MAKHAN SINGH ALIAS DOONGA

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Inderjit Sharma, Advocate
for the petitioner.

Mr. Mohinder Singh Joshi, Additional A.G. Punjab.

AMARJOT BHATTI, J. (Oral)

The petitioner – Makhan Singh @ Doonga has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 0049 dated 17.07.2021, under Section 363, 366, 376, 506, 201 of IPC and Section 6 of POCSO Act, registered at Police Station Dorangala, Tehsil and District Gurdaspur.

The facts of the case are that the prosecutrix gave her statement to the police that she is 14 years old and studying in 9th class. Her father was working as a truck driver at Sri Nagar. On 13.07.2021 at about 10:00 A.M., she was going to parlour when Makhan Singh @ Doonga stopped his motorcycle near her and forcibly made her sit on his motorcycle. He took her to Amritsar. He parked his motorcycle at Bus Stand and took a taxi for Sri Nagar. After reaching Sri Nagar, she was kept in a house at City Sangam where the accused committed rape with her repeatedly

against her wishes. He spent his entire money and left her in the village on 16.07.2021. She was brought back to her house and the matter was reported to the police. With these allegations, present FIR has been registered.

Learned counsel for the petitioner argued that all the allegations levelled against him are false. The petitioner was arrested in this case. He had joined the investigation. The charge-sheet was framed on 30.09.2021 and thereafter, the evidence of the prosecution was recorded. He referred to the statement of prosecutrix - PW1, statement of mother Ninder Kaur – PW2, statement of brother Harpreet Singh – PW3, statement of sister Mandeep Kaur – PW4, which are Annexures P-3 to P-6, who did not support the prosecution version. It is argued that he is behind the bars since 22.07.2021. He is ready to abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

Learned counsel representing the State has not denied the factual position. However, it is argued that the prosecutrix was a minor and the allegations are serious in nature. Therefore, the petitioner is not entitled to be released on bail.

I have considered the arguments and have gone through the record carefully. As per file, the petitioner/accused has been charge-sheeted under Sections 363, 366, 376, 506, 201 of IPC and Section 6 of POCSO Act. It cannot be disputed that all the material witnesses have been examined i.e. the prosecutrix, her mother, brother and sister as PW1 to PW4. Their statements are Annexures P-3 to P-6. They have not supported the prosecution version. The remaining prosecution evidence is yet to be concluded. The petitioner is behind the bars since long. Trial of this case may take some time. Therefore, without expressing my mind on the merits

of the case, the regular bail application filed by the petitioner – Makhan Singh @ Doonga is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge concerned.

The petition is, accordingly, accepted.

10.02.2023
lalit

(AMARJOT BHATTI)
JUDGE

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