

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4986-2023 (O&M)
Date of Decision : 04.07.2023

Ravi Shukla

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. S.K. Tripathi, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

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ALKA SARIN, J. (Oral)

1. This is the first petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.04 dated 04.01.2022 under Sections 376/506 of the Indian Penal Code, 1860 and Sections 4 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Sahnewal, District Ludhiana.

2. Learned counsel for the petitioner would contend that the petitioner has been in custody for a total period of 01 year, 03 months and 03 days and that the FIR was lodged after a gap of 05 days of the alleged incident. It is further the contention that the petitioner is brother-in-law of the victim and that a totally false case has been planted against him. Learned counsel has further pointed out to the report of the medical examination,

which was conducted on 06.01.2022, which also does not reveal any signs of sexual assault having been committed.

3. Learned State counsel has filed a custody certificate. As per the custody certificate, the petitioner has been in custody now for a period of 01 year 03 months and 03 days. Learned State counsel, on instructions from ASI Karnail Singh, is not in a position to deny that mother of the victim and the victim herself stand duly examined in the present case. There are also no other criminal antecedents of the petitioner.

5. I have heard learned counsel for the parties.

6. In the present case, the victim and her mother stand examined. The petitioner has been in custody for a period of 01 year 03 months and 03 days. The FIR itself was lodged after a delay of 05 days and neither the medical examination report nor DNA report prima facie reveal the commission of the offence.

7. Keeping in view the totality of the circumstances and without commenting upon the merits of the case, I deem it a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

8. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

9. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.
10. Disposed off. Pending applications, if any, also stand disposed off.

04.07.2023
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO