

SUBHAN

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Arti Kaur, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

VIVEK PURI,J. (ORAL)

1. Custody certificate of the petitioner has been circulated today and the same is taken on record.
2. Subhan-petitioner is seeking regular bail in the case bearing FIR No.127 dated 12.08.2022 under Sections 376-AB/506 IPC, 1860 and Section 6 of POCSO Act, 2012 registered at Police Station City Nawanshaher, District SBS Nagar.
3. Learned counsel for the petitioner contends that the victim was aged about 09 years at the time of alleged occurrence and the petitioner is her step father. The FIR has been falsely lodged at the instance of teachers of the victim. During the course of trial, the victim has not supported the prosecution version. Moreover, as per the report of FSL, no human semen has been detected. The petitioner is in custody for a period of 11 months and 09 days and is not involved in any other case.
4. Learned State counsel has not disputed the aspect that the victim has not supported the prosecution version and no human semen has been detected as

been examined.

5. In the instant case, the victim has not supported the prosecution version. In her statement during the course of trial, she has testified to the effect that the petitioner is her step father and has neither done any wrongful act with her nor threatened her with dire consequences. Furthermore, no human semen has been detected as per the report of FSL. The petitioner is in custody for a period of 11 months and 09 days and is not involved in any other case. 08 more witnesses still remain to be examined. The conclusion of trial is likely to take sometime. No fruitful purpose will 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.

6. Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. The petition is allowed accordingly.

19.07.2023

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(VIVEK PURI)
JUDGE

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