

216 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-26279-2023
Date of decision: 29.05.2023

NAVDEEP SINGH

...Petitioner

V/s

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Akashdeep Singh, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

MANJARI NEHRU KAUL J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.002 dated 10.01.2020 lodged under Sections 354, 354-A, 376/511 of the Indian Penal Code, 1860 and Section 11 of Protection of Children from Sexual Offences Act, 2012 (In challan Section 511 IPC, Section 11 of POCSO Act deleted and Section 4, 6 of POCSO Act added) registered at Police Station Handesra, S.A.S. Nagar (Mohali), Punjab.

2. Learned counsel for the petitioner contends that after the withdrawal of the previous petition, wherein, similar concession of bail had been sought on 21.11.2022, the father of the victim had been examined. Learned counsel while drawing the attention of this Court to the deposition of the father of the victim, annexed as Annexure P-7, who stepped into the witness box as PW-2, has further submitted that a perusal of the same

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reveals that he had come up with an altogether contrary version by deposing that he had informed the police on 04.01.2020 (i.e. the date of the alleged occurrence) qua his daughter i.e. victim having been raped. Learned counsel however, submits that the victim, in the FIR as well as in her statement recorded under Section 164 Cr.P.C., had only alleged that an attempt had been made to rape her and still further, she had not disclosed about the crime in question to her father till 10.01.2020. Learned counsel thus asserts that it was evident that a highly exaggerated and false version has been brought forth against the petitioner. He submits that petitioner has now been in custody since 12.01.2020 and since both the material witnesses i.e. the victim as well as her father stand examined, his further incarceration would serve no useful purpose, moreso, as 14 prosecution witnesses still remain to be examined.

3. Per contra, learned State counsel, while opposing the prayer and submissions made by learned counsel for the petitioner, has submitted that the victim was a 15 year old girl whose person was violated by the petitioner. He further submits that when the victim was medico-legally examined, she had given a brief history of the crime committed, to the doctor concerned. Learned State counsel has however not disputed that the victim, who is the sole material witness, in the case in hand stands examined along with her father. It has been further submitted that the next date before the trial Court is 06.06.2023, when some more prosecution witnesses are likely to be examined.

5. On a pointed query put to the learned State counsel qua the antecedents of the petitioner, he, on instructions, submits that the petitioner

is not involved in any other criminal case.

6. I have heard learned counsel for the parties and perused the material placed on record. The petitioner has now been in custody for more than 03 years having been arrested on 13.02.2020 and as already noticed hereinabove, both the material witnesses including the victim stand examined. 14 prosecution witnesses out of the 18 cited still remain to be examined. Hence, the trial shall take considerable time to conclude and in the circumstances, no useful purpose would be served by keeping the petitioner in custody.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

29.05.2023
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(MANJARI NEHRU KAUL)
JUDGE

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