

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

Sr. No.218**CRM-M-44354-2022****Date of Decision: 20.02.2023**

Pargat Singh

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Kanwar Inder Singh, Advocate for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

TRIBHUVAN DAHIYA, J. (ORAL)

This is a petition under Section 439 Cr.P.C. seeking grant of regular bail in case FIR No.106 dated 22.09.2021, registered under Sections 363, 341, 506, 376-DA of IPC and Section 6 of POCSO Act, 2012, at P.S.Moonak, District Sangrur.

As per allegations in the FIR, on 06.09.2021 the petitioner along with co-accused took away the complainant/prosecutrix, aged about 16 years, on motorcycle to the fields by covering her face with a handerchief and forcibly committed rape upon her.

Learned counsel for the petitioner contends that the allegations are false. The matter was reported to police by the prosecutrix after more than two weeks of the alleged incident on 22.09.2021. Even in her medical examination no material could be found to connect the petitioner to the offences alleged. Besides, the prosecutrix herself in her testimony before the trial Court as PW2, has not supported the prosecution version. Only four of the twenty three prosecution witnesses have so far been examined, and the petitioner is in custody since 23.09.2021.

Learned State counsel, upon instructions from ASI Tarsem Lal, is not in a position to dispute the facts in submissions made by learned counsel for the petitioner. He, however, opposes the grant of bail on the ground that trial is progressing, and the remaining witnesses will soon be examined.

The prosecutrix already stands examined and the trial of the case will take some time to conclude, as nineteen prosecution witnesses still remain to be examined. Therefore, no useful purpose will be served by confining the petitioner to custody during trial any longer.

In view thereof, the petition is allowed, and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(TRIBHUVAN DAHIYA)
JUDGE

20.02.2023
Maninder

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