

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 219

Criminal Miscellaneous No.M-47844 of 2022

Date of Decision: *February 21, 2023*

Jagjit Singh @ Jeet Singh

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. K.S. Brar, Advocate for the petitioner.

Mr. Jashandeep Singh, AAG, Punjab.

. . .

Tribhuvan Dahiya, J (Oral)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 23 dated 10.02.2021, under Sections 363, 366-A, 376-D (A) IPC and Section 6 of POCSO Act, 2012 (offence under Section 120-B & 376-D (A) IPC added later on and offence under Section 376-D IPC deleted), registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. The allegations as per the FIR, recorded on the statement of victim, aged about 14½ years, are that on 31.01.2021 at about 02:30 p.m., she was taken on a motorcycle by the petitioner and co-accused on the pretext of getting married. She was made to sit in a bus, taken to village Madhopur and kept in a house of one Khajan Singh. Though she tried to run away but on account of threats to kill given to her, she could not escape. There, the petitioner committed rape upon her. On 09.02.2021, victim's father and relatives came to the place looking for her. It was then, the FIR in question was lodged.

3. Learned counsel for the petitioner contended that the victim

willingly accompanied him as the two were known to each other. Only because her father came where she was staying for nine days, the complaint was made to the police. It is also submitted that the victim's age has been wrongly mentioned in the FIR. The petitioner is in custody since 11.02.2021 and trial of the case is not progressing, as only three out of nineteen prosecution witnesses have been examined so far.

4. Learned State counsel, on instructions from ASI Jasveer Singh, opposes the prayer of bail on the ground that trial of the case is going on and the victim, her parent and the Investigating Officer have already been examined, and the trial is now fixed for examination of the doctor concerned. He does not deny that there is no other case against the petitioner as per the custody certificate.

5. Keeping in view the facts aforesaid, it is apparent that the trial of the case will take some time to conclude as sixteen of the prosecution witnesses still remain to be examined. The material witnesses have already been examined. No useful purpose will be served by confining the petitioner to custody during trial any longer.

6. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on furnishing of requisite bonds/sureties to the satisfaction of trial Court/Duty Magistrate concerned.

(Tribhuvan Dahiya)
Judge

February 21, 2023
payal

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No