

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

**CRM-M-47818-2023
Date of decision: 06.11.2023**

KHUSHDEEP SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Kanwal S. Walia, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

VIVEK PURI, J. (ORAL)

1. Custody certificate of the petitioner has been placed on record.
2. Khushdeep Singh-petitioner is seeking regular bail in the case bearing FIR No.06 dated 23.01.2023 under Sections 376-D/506/34 IPC, 1860 and Section 6 of POCSO Act, registered at Police Station City Ahmedgarh, District Malerkotla.
3. Briefly, the FIR has been registered on the allegations that the victim is aged about 17 years. On 22.01.2023, the petitioner alongwith the co-accused, namely, Gurmukh Singh had kidnapped the victim. She was taken inside the bushes behind Gurdwara Damdama Sahib, Jandali. The petitioner had held the victim from her arms and the co-accused committed rape upon her.
4. Learned counsel for the petitioner contends that the during the course of trial, the victim as well as her mother have not supported the prosecution version. Moreover, as per the report of FSL, no spermatazoa has been detected.
5. On instructions from HC Gursewak Singh, learned State counsel has not disputed the fact that the victim and her mother have not supported the

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detected. It has been submitted that out of 12, 05 witnesses have been examined.

6. It is significant to note that during the course of trial, the victim and her mother have not supported the prosecution version. The victim had specifically and categorically stated that the petitioner and the co-accused neither kidnapped her nor any wrongful sexual act was committed upon her. Even, as per the report of FSL, no spermatazoa has been detected. The petitioner is in custody for a period of 09 months and 14 days and not involved in any other case. Out of 12, 05 witnesses have been 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.

7. 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.

8. The petition is allowed accordingly.

06.11.2023

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(VIVEK PURI)
JUDGE

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