

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 217

Criminal Miscellaneous No.M-55839 of 2022
Date of Decision: January 10, 2023

Gurdeep Singh @ Rajan

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

...

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

...

PRESENT: - Mr. Ramandeep, Advocate & Mr. G.S. Jagpal, Advocate
for the petitioner.

Mr. Kunal Vinayak, Assistant Advocate General, Punjab.

. . .

Tribhuvan Dahiya, J (Oral)

Custody certificate filed, which is taken on record.

This is a petition for regular bail to the petitioner in case FIR No.280 dated 10.09.2020 (Annexure P-1) under Sections 376-D IPC and 6 of Protection of Children from Sexual Offences Act (Amended), 2012, 2019 (Section 67-B Information Technology Act, 2000 added later on), registered at Police Station Tripri Patiala, District Patiala, Punjab.

As per allegations in the FIR, the alleged offence of rape was committed by Amarjit Singh @ Vicky on the prosecutrix, who was aged 17 years at the relevant time. The petitioner along with co-accused is alleged to have coaxed the prosecutrix to the house of Nanak Singh, whereupon the alleged offence was committed.

It is not in dispute that the main accused Amarjit Singh @ Vicky has already been admitted to regular bail by this Court vide order dated 10.09.2020 (Annexure P-2) and also the co-accused Lakhwinder Singh

@ Lakhan vide order dated 09.12.2022 passed in CRM-M-24680 of 2022.

Learned State counsel has opposed the grant of bail to the petitioner. He has also informed that six out of twelve witnesses have already been examined.

The petitioner is in custody since 11.09.2020. The conclusion of the trial will take long time and no useful purpose would be served by keeping the petitioner in custody any longer. It is also not in dispute that neither the victim nor her father has supported the prosecution case. Their testimonies have been placed on record as Annexures P-3 & P-4 respectively. The victim, PW-1, specifically deposed that she did not identify the accused, who was present on video conferencing, nor had he committed any wrong act or rape upon her that day.

In view of the aforesaid, without expressing any opinion on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing requisite bonds/sureties to the satisfaction of the trial Court/Duty Magistrate concerned.

(Tribhuvan Dahiya)
Judge

January 10, 2023
payal

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No