



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

208

CRM-M-7001-2024 (O&M)

Date of decision: 26.09.2024

DALBIR SINGH @ SANDEEP SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sachin Ohri, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

HARPREET KAUR JEEWAN, J.

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.10 dated 14.07.2022 under Sections 366-A, 376, 120-B IPC (Sections 341, 342, 506 IPC, Section 6 of the POCSO Act, 2012 and Sections 67, 67-A, 67-B of the Information Technology Act added later on) registered at Police Station Dhar Kalan, Pathankot, District Pathankot.
2. Custody certificate dated 25.09.2024 has been filed on behalf of the respondent-State, which is taken on record.
3. The petitioner is alleged to have committed penetrative sexual assault upon the prosecutrix, who is aged about 17 years. The non-applicant/co-accused of the petitioner is also alleged to have threatened the prosecutrix to make her photographs and obscene video viral.



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4. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and he is in custody for more than 2 years. He further contends that there was a consensual relationship between the petitioner and the complainant. Investigation is complete and final report under Section 173 Cr.P.C. has been presented before the trial Court. The petitioner is ready to face trial. He further submits that the trial is going to take time to conclude, as such, prayer for releasing the petitioner on bail has been made.

5. On the other hand, learned State counsel has opposed the bail petition on the ground of gravity of allegations against the petitioner. Learned State counsel has also informed that 5 witnesses, out of total 21 witnesses have been examined.

6. I have heard the learned counsel for the parties and perused the relevant documents.

7. The FIR was lodged by the victim herself. As per her allegations, co-accused Ahmad @ Shuku dropped her to his friend Dalbir Singh @ Sandeep Singh-the present petitioner and left the spot. Thereafter, the petitioner is alleged to have taken the prosecutrix in a room and committed rape upon her and also made her obscene videos and photographs. However, as per FSL report dated 15.09.2022 as mentioned in the status report dated 24.06.2024, human semen and male DNA was not detected in the vaginal swabs of the victim.

8. Investigation is complete and the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court. The evaluation of evidence on record is a matter of trial. As per the custody certificate, there is no history of any other case against the petitioner. The petitioner is in



custody for 02 years and 9 days. The co-accused of the petitioner namely Ahmad @ Shuku has already been granted concession of regular bail by this Court vide order dated 25.01.2024 passed in CRM-M-41177-2023.

9. Keeping in view the custody period of the petitioner, which is more than 2 years and considering the fact that only 5 witnesses, out of 21 witnesses, have been examined and conclusion of trial is going to take time, as such, the petitioner cannot be kept behind the bars for an indefinite period as an under-trial.

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

11. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

12. Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

26.09.2024
P.Bhatt

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