

CRM-M-6486-2024(O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218 CRM-M-6486-2024(O&M)
Date of Decision: 27.11.2024

HARMAN SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Gurpreet Singh, Advocate for
Ms. Monika Tanwar, Advocate
for the petitioner.

Mr. Jasdeep Singh, DAG, 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.63 dated 07.04.2023 (Annexure P-1) under Section 376 of the IPC and Section 4 of the POCSO Act, 2012, registered at Police Station Ajnala, District Amritsar.
2. Custody certificate dated 26.11.2024 filed on behalf of the respondent-State is taken on record. As per the custody certificate, the petitioner has undergone 01 year, 07 months and 18 days of actual custody.
3. I have heard learned counsel for the parties and have also gone through the paper-book, as well as the status report, carefully.
4. The petitioner is alleged to have violated the prosecutrix. The petitioner is 20 years of age whereas the age of the prosecutrix was 16 years 2



CRM-M-6486-2024(O&M) 2

months and 12 days at the time of the alleged occurrence. The statement of the prosecutrix has been recorded as PW-1 (Annexure P-2). As per the deposition of the prosecutrix, in the midnight of 06/07.04.2023 at about 02.00 am, the petitioner, who was residing in her neighbourhood, entered into her house by scaling the wall and he had taken the prosecutrix to another room. The petitioner is alleged to have locked the room, where the parents of the prosecutrix were sleeping and thereafter, he forcibly committed rape upon her.

5. In the cross-examination, the prosecutrix has stated that she was having a love affair with the petitioner and her parents were not agreeing for the said love affair as the petitioner was residing in their neighbourhood. The prosecutrix has further stated that she used to talk to the petitioner on a mobile phone and she still wants to go with him. The prosecutrix has further stated that when her parents came to know that she had gone with the petitioner, they gave her beatings and thereafter, she got recorded her statement with the police at the instance of her parents.

6. The investigation is already complete. The final report ('*challan*') under Section 173 Cr.P.C. has already been presented before the trial Court and charges have also been framed. The statement of the mother and paternal uncle of the prosecutrix have also been recorded as PW-2 and PW-3 respectively (Annexures P-3 and P-4). There is no apprehension of absconding of the petitioner during the trial, since the private witnesses have already been recorded. There are total 16 witnesses and 7 witnesses are yet to be recorded, as such, the conclusion of the trial is going to take time.

7. Keeping in view the above facts and circumstances of the present case, the present petition is allowed. The petitioner is ordered to be released on

CRM-M-6486-2024(O&M) 3

regular bail, subject to his furnishing adequate bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

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

9. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

27.11.2024

P.Bhatt	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No