

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6976-2024

DATE OF DECISION : 20.04.2024

MASKEEN ALI

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Manuj Nagrath, Advocate for the petitioner.
Ms. Sakshi Bakshi, AAG, Punjab.

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HARPREET KAUR JEEWAN, J. (ORAL)

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. 184 dated 18.07.2023 (Annexure P-1) registered under Sections 363, 366-A of the IPC (Section 376, 506, 120-B of IPC and Section 4 of Protection of Children from Sexual Offences Act, added later on) at Police Station Jandiala, District Amritsar.

2. State has filed the status report by way of affidavit of Ravinder Singh, Deputy Superintendent of Police, Sub Division Jandiala, District Amritsar (Rural).

3. The present case was registered on the basis of the statement of the uncle of the prosecutrix, who alleged that the prosecutrix got missing from home on 16.07.2023. As per the status report, after registration of the FIR, the petitioner was arrested on 03.08.2023. On 29.07.2023, the prosecutrix appeared before the Police along with her brother. Her statement under Section 164 Cr.P.C. was recorded by the Area Magistrate and medical examination was got conducted.

4. Learned counsel for the petitioner contends that the petitioner is in custody since 03.08.2023. The statement of the prosecutrix and other

material witnesses have been recorded, who have not supported the prosecution case.

5. Learned State counsel has opposed the bail application only on the ground that matching of the DNA samples of the prosecutrix and the petitioner are still pending.

6. I have considered the aforesaid facts and circumstances.

7. No doubt the prosecutrix is minor. However, she has been examined during the trial as PW1. Even her paternal uncle has been recorded as a witness as per Annexures P-3 and P-4. As per the medical report (Annexure P-5) which has also been mentioned in the status report that it is a 'no injury' case and even the UPT test was negative. As per the status report, the prosecutrix was produced before the police by her brother on 29.07.2023. 10 witnesses are yet to be examined. The conclusion of the trial is going to take time.

8. Keeping in view the totality of the circumstances and without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds/surety to the satisfaction of the trial Court/Chief Judicial Magistrate, concerned.

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

20.04.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

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