

CRM-M-8568-2024 (O&M)

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

2024:PHHC:149074



**CRM-M-8568-2024 (O&M)
DATE OF DECISION : 14.11.2024**

JATINDER SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Gagandeep Singh, Legal Aid Counsel 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 of the Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 84 dated 27.11.2020 registered under Sections 363, 366-A, 120-B of the IPC (Sections 376-D, 201 IPC and Sections 4 and 6 of POCSO Act added later on) at Police Station Dhilwan, District Kapurthala.

2. Custody certificate dated 13.11.2024 reflecting the custody of the petitioner as 02 years, 04 months and 05 days has been taken on record.

3. Learned counsel for the petitioner has submitted the copies of the statement of the prosecution witnesses PW-1 to PW-6, the same are taken on record.

4. I have heard the counsel for the parties and perused the record.

5. As per the prosecution version on 25.11.2020, petitioner-

Jatinder Singh along with the co-accused entered the house of the

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prosecutrix, who was a student of 10+2 class and the prosecutrix was taken away from her house. When the petitioner and his co-accused reached the nearby gate, the grand father of the prosecutrix got up and came there. The petitioner along with the co-accused fled away in a car and the prosecutrix was taken to home. As per the Forensic DNA Test report, Annexure P-2, no male DNA was detected in the vaginal swabs of the prosecutrix and even the prosecutrix has not supported the prosecution case when she appeared as PW-1 on 30.04.2024. The other witnesses PW-2 to PW-6 have not supported the prosecution version. The conclusion of the trial is going to take time. Therefore, without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court concerned.

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

14.11.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No