



CRM-M-9923-2024 (O&M)

DATE OF DECISION : 28.05.2024

BINDER SINGH @ BINDI
V/S

... PETITIONER

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. L.M.Gulati, 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. 41 dated 01.07.2023, registered under Sections 376, 506 IPC and Section 4 of Protection of Children from Sexual Offences Act at Police Station Bhindi Saidan, District Amritsar.
2. State has filed the custody certificate reflecting the custody of the petitioner as 09 months and 01 day.
3. Present FIR was registered at the instance of the father of the prosecutrix with the allegations that prosecutrix is aged 17 years and a student of 10th class. Her date of birth is 01.01.2008. On 08.06.2023 at 11 A.M. the petitioner entered their house by scaling the wall and forcibly committed sexual assault upon the prosecutrix in their house.
4. Learned counsel for the petitioner *inter alia* contends that petitioner is in custody since 26.08.2023 and has been falsely implicated in this case. As per the statement of the prosecutrix recorded by learned

Judicial Magistrate First Class, Ajnala (Annexure P-2), the prosecutrix has stated that the petitioner has not committed any offence and he is innocent. He has further submitted that statements of 4 prosecution witnesses i.e. father of the victim, two doctors and Principal of the School have been recorded.

5. Learned State counsel has confirmed that the prosecutrix has refused for her medical examination, though she was taken to the hospital on 03.07.2023. Learned State counsel has further confirmed that investigation is complete, challan has been presented and charges have been framed.

6. Heard.

7. In view of the facts and circumstances of the case and keeping in view the custody of the petitioner and also the fact that investigation is complete, charges have been framed, the conclusion of the trial is going to take time, no fruitful purpose would be served by keeping the petitioner in further custody. Therefore, 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.

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

28.05.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**