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

**CRM-30177-2024 in/and
CRM-M-13796-2024 (O&M)
Reserved on: 01st August, 2024
Date of decision: 23rd August 2024**

JAGDEEP KUMAR JAKHUPetitioner

versus

STATE OF PUNJABRespondent

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

Present:- Ms. Bhupinder Kaur, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

HARPREET KAUR JEEWAN, J.

CRM-30177-2024

The present application has been filed under Section 482 Cr.P.C.
for placing on record the statements of PW-1 and PW-2 dated 12.07.2024,
recorded before the trial Court as Annexures P-6 and P-7.

Notice in the application.

Ms. Sakshi Bakshi, AAG, Punjab accepts notice on behalf of the
respondent-State.

Keeping in view the averments made in the application, the same
is allowed. The above-said documents are taken on record as Annexures P-6
and P-7, subject to all just exceptions.

CRM-M-13796-2024 (O&M)

1. The instant petition has been filed under Section 439 of the Code



of Criminal Procedure, 1973 seeking regular bail in case FIR No.147 dated 01.12.2023, under Sections 376, 506, 315 IPC, 1860 and Sections 3, 4 of Protection of Children from Sexual Offences Act, 2012 (Sections 201, 376(3), 120-B, 34 IPC and Sections 6, 17 of POCSO Act added later on), registered at Police Station Nakodar, District Jalandhar Rural (Annexure P-1).

2. Learned counsel for the petitioner contends that the co-accused of the petitioner namely Chander Prabha has already been granted the concession of bail by this Court vide order dated 01.07.2024 in CRM-M-8116-2024. The co-accused of the petitioner namely Parminder Suri and others have also been granted the concession of bail vide order dated 21.05.2024, passed by this Court in CRM-8057-2024. The statement of the prosecutrix has already been recorded during the trial. The petitioner is in custody since 03.01.2024.

3. On the other hand, the learned State counsel has opposed the present petition on the ground of gravity of allegations levelled against the petitioner. Learned State counsel has filed custody certificate of the petitioner dated 01.08.2024, reflecting his period of custody as 06 months and 29 days, which is taken on record. As per the custody certificate, there is no history of any other case pending against the petitioner.

4. I have considered the aforesaid contentions and perused the paper book.

5. As per the paper book, initially, FIR No.147 dated 01.12.2023 (Annexure P-2) was registered against the accused person namely Pardeep Kumar Jakhu under Sections 376, 506 IPC and Section 3, 4 of the Protection of Children from Sexual Offences Act, 2012, on the basis of the statement of the



complainant dated 01.12.2023. The complainant levelled allegations against Pardeep Kumar that he had repeatedly committed rape upon her since June 2018. On 02.12.2023, the medical examination of the victim was got conducted and she was found to be pregnant. Thereafter, the victim did not appear before the Medical Officer for completion of other medical formalities. On 15.12.2023, the victim got recorded her statement before the Police levelling allegations mainly against her mother namely Rajni and against the co-accused of the petitioner namely Chander Prabha and present petitioner that the victim was taken to a lady doctor and her abortion got conducted. On 21.12.2023, the statement of the victim was recorded under Section 164 Cr.P.C. by the Sub-Divisional Judicial Magistrate, Nakodar. During the course of investigation, Sections 315 and 34 IPC were added in FIR No.147 dated 01.12.2023 vide DDR No.19 dated 03.01.2024. The petitioner Jagdeep Kumar and his co-accused namely Chander Prabha were arrested.

6. The main allegations of repeated sexual abuse of the victim are against co-accused of the petitioner namely Pardeep Kumar. The petitioner is a relative of the victim. There are no allegations against the petitioner in the FIR. The petitioner has been nominated on the basis of subsequent statement of the prosecutrix.

7. The petitioner is in custody since 03.01.2024. The co-accused of the petitioner namely Chander Prabha has already been granted the concession of bail. The statement of victim has already been recorded by the trial Court (Annexure P-6) wherein she has stated that petitioner Jagdeep Kumar @ Vicky is her cousin paternal uncle and Chader Prabha is her mother. They have never taken her to the hospital or to any other place for the purpose of her abortion.



Neither she became pregnant nor any foetus was aborted by the petitioner and his co-accused in connivance with their accomplices. The statement of other material witness ‘S’, who is the sister of the victim has also been recorded as PW-2.

8. Investigation is complete. Final report/challan under Section 173 Cr.P.C. has been presented. All the material witnesses have been examined during the trial. Conclusion of trial is likely to take some time. No useful purpose would be served by keeping the petitioner in custody during trial, as such, without expressing anything on the merits of the case and keeping in view the above facts, the present petition is allowed.

9. 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.

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

(HARPREET KAUR JEEWAN)
JUDGE

23rd August 2024
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No