



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.19737 of 2024
Date of Decision: 27.05.2024

Lovepreet Singh @ Lovely @ Lavi ... Petitioner

Versus

State of Punjab and others ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ramandeep, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab,
for the respondent-State.

Mr. Gurcharan Singh Bains, Advocate,
for respondents No.2 and 3.

MANISHA BATRA, J.(Oral)

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Police Station	Sections
221	Sadar Samana, District Patiala	366-A and 376 of IPC and 6 of Protection of Children from Sexual Offences Act, 2012

2. Brief facts of the case relevant for the purpose disposal of the present petition are that on 16.12.2023, on receipt of an information from the Civil Hospital, Samana, a police party from Police Station Sadar Samana reached at the hospital and obtained medico legal report of the

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victim "L" (name withheld). The complainant "LK" (name withheld) who was mother of the victim recorded her statement to the effect that the victim who was studying in 10+1 class in Government school of nearby village had gone to attend the school on 14.12.2023 but did not return. They made search for her but could not find her. She returned back on 15.12.2023 at about 7-8 PM and on making probe, the victim disclosed that she had been taken on his motorcycle by the petitioner by inducing her on the pretext of performing marriage with her. He had forcibly established physical relations with her by taking her to some unidentified place and then dropped her outside her house on 15.12.2023. On the basis of medico legal report and the statement of the complainant, a case was registered. Investigation proceedings were initiated. The petitioner was arrested on 17.12.2023. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, he is facing trial for commission of aforementioned offences. An application for grant of regular bail has been filed by him before the learned trial Court which had been dismissed vide order dated 27.03.2024.

3. Learned counsel for the petitioner has argued that neither the victim nor the complainant i.e. her mother have supported the prosecution version in their respective sworn depositions recorded before the trial Court. It is submitted that the petitioner is in custody since 17.12.2023. The trial is likely to take time. His further detention will not serve any useful purpose. Therefore, it is urged that the petition deserves to be allowed.

4. Per contra, learned State counsel has argued that keeping in

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view the gravity of the allegations as levelled against the petitioner, he does not deserve to be given concession of bail.

5. Learned counsel for the respondents No.2 and 3 has, however, submitted that these respondents i.e. complainant and the victim do want to contest this petition.

6. I have heard learned counsel for the parties at considerable length and have gone through the record.

7. The petitioner is alleged to have enticed away the minor victim as on 14.12.2023 and is alleged to have subjected her to acts of aggravated penetrative sexual assault. As per the allegations, he left the victim back at her house on the next night. The petitioner has placed on record copies of sworn depositions of the victim and her mother as Annexures P-2 and P-3 respectively. A perusal of the same reveals that they did not implicate the petitioner in the commission of the subject offences. Both of them are shown to have resiled from the prosecution version and have given a complete go bye to the same by saying that the victim had neither been taken away by the petitioner nor she had been subjected to rape by him. Keeping in view the nature of the evidence which has come on record in the form of statements of the material witnesses, the period of incarceration of the petitioner and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am persuaded to hold that the petition deserves to be allowed at this stage. Hence, the same is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

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8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

27.05.2024
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(MANISHA BATRA)
JUDGE

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