



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-20996-2024 (O&M)
Date of decision: 30.08.2024

GAGANDEEP SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. G.S. Madaan, Advocate with
Mr. A.S. Dhaliwal, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

HARPREET KAUR JEEWAN, J.

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.179 dated 27.11.2022 under Sections 363, 366-A, 376 IPC and Sections 3 and 4 of the POCSO Act, 2012 registered at Police Station Kabarwala, District Sri Muktsar Sahib.
2. Custody certificate dated 28.08.2024 has been filed on behalf of the respondent-State, which is taken on record.
3. As per the prosecution case, the FIR was registered at the instance of the prosecutrix herself, who alleged that she was known to the petitioner as he used to come to the shop, where she was working and thereafter they became friends. The petitioner proposed the prosecutrix that he wants to marry her. On



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the day of occurrence, when parents of the prosecutrix had gone to Rajasthan for some work, the prosecutrix herself went out of the shop where she was working and the petitioner took her to a room where he developed physical relations without her consent. The petitioner refused for solemnization of marriage with the prosecutrix on the ground that she was a minor. On 26.11.2022, when parents of the prosecutrix reached home, she disclosed the matter to her parents and the FIR was registered.

4. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and he is in custody since 27.11.2022. He further contends that the prosecutrix who appeared as PW-1 before the trial Court has not stated anything incriminating against the petitioner. Even the statements of grandmother (PW-2), father (PW-3) and mother (PW-4) of the prosecutrix (Annexures P-3 to P-5) have also been recorded and they have also not stated anything incriminating against the petitioner. Investigation is complete and final report under Section 173 Cr.P.C. has been presented before the trial Court. The petitioner is ready to face trial. He further submits that the trial is going to take time to conclude, as such, prayer for releasing the petitioner on bail has been made.

5. On the other hand, learned State counsel has opposed the bail petition on the ground of gravity of allegations against the petitioner. Learned State counsel has informed that as per the Forensic DNA test report dated 18.01.2024, human semen belonging to the petitioner was detected in the vaginal swabs of the prosecutrix and even the prosecutrix has supported her version during the statement recorded under Section 164 Cr.P.C. The age of the prosecutrix was 15 years at the time of the alleged occurrence.



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6. I have heard the learned counsel for the parties and perused the relevant documents.
7. The prosecutrix had herself appeared as PW-1 (Annexure P-2) and she had stated that on 24.11.2022, she went to Amritsar for paying obeisance at Golden Temple. She was alone and nobody accompanied her. She did not identify the petitioner and categorically stated that petitioner had not done anything wrong to her. The father and mother of the victim have also been examined (Annexures P-4 and P-5).
8. Investigation is complete and the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court. The evaluation of evidence on record is a matter of trial. As per the custody certificate, there is no history of other case against the petitioner. The petitioner is in custody for 01 year and 09 months and conclusion of the trial is going to take time, as out 22 witnesses, 7 witnesses have been examined.
9. In view of the above, the petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
10. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
11. Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

30.08.2024
P.Bhatt

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