



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**  
**209**

CRM-M-30068-2024

Date of Decision: 11.07.2024

Gurjeet Singh @ Gurjit Singh @ Ravi

.... Petitioner

## Versus

## State of Punjab

.... Respondent

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. Yajur Sharma, Advocate for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

**NIDHI GUPTA, J. (ORAL)**

The petitioner has filed the present 1<sup>st</sup> petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No. 87 dated 17.10.2023 (Annexure P-1) registered at Police Station Ramdas, District Amritsar Rural for the offences punishable under Sections 363, 366-A, 34 IPC and Sections 376 and 120-B IPC and Section 6 of POCSO Act has been added later on during investigation vide DDR No. 28 dated 27.10.2023.

Learned counsel for the petitioner *inter alia* submits that the petitioner and the alleged prosecutrix were in a consensual relationship. It is stated by the petitioner that the date of birth of the victim is 11.09.2005 and, therefore, on the date of incident i.e. 13.10.2023, the victim was 17 and ½ years of age. It is submitted that the present FIR has been registered on the basis of statement of the father of the victim. The victim in her statement under Section 164 Cr.P.C. as also while appearing



as PW3 did not support the prosecution case. Even the complainant i.e. the father of the victim as PW1 and the mother of the victim as PW2 have turned hostile and have not supported the prosecution case. It is submitted that the petitioner has been in custody for almost 1 year and accordingly, it is prayed that the present petition may be allowed and the petitioner be released on regular bail.

Learned counsel for the State opposes the prayer made on behalf of the petitioner and submits that as per the Aadhar Card of the victim, her date of birth is 11.09.2008. Therefore, on the date of incident i.e. 13.10.2023, the victim was 15 years and 1 month old. It is admitted that the prosecution witnesses, as aforementioned, have turned hostile. Learned counsel for the State files custody certificate dated 10.07.2024 which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 8 months and 15 days. It is also pointed out from the said custody certificate that the petitioner is on production warrants in FIR No.123/2020 under Section 304 IPC registered at Police Station Ramdas.

Learned counsel for the State, on instructions from ASI Avtar Singh, informs that charges were framed on 01.04.2024; whereafter out of 21 witnesses; including 6 material witnesses have been examined. It is stated that FSL report in the present case is still pending and, therefore, the petitioner be not released on regular bail till receipt of FSL report as also the fact that the petitioner is on production warrants in FIR No.123/2020 under Section 304 IPC registered at Police Station Ramdas.

Having heard learned counsel for the parties, but without

commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case and the custody period of 08 months and 15 days undergone by the petitioner as an undertrial; including the fact that the material witnesses stand examined; as also the fact that the conclusion of trial will take considerable time as out of 21 witnesses; only 6 witnesses have been examined so far and no useful purpose would be served by further detention of the petitioner. Thus, the present petition is **allowed**.

The petitioner-Gurjeet Singh @ Gurjit Singh @ Ravi, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

11.07.2024

Divyanshi

(NIDHI GUPTA )

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No