

Sr. No.220

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

**CRM-M-48584-2023 (O&M)
Date of decision: 02nd April, 2024**

MANDEEP KUMAR**Petitioner**

versus

STATE OF PUNJAB**Respondent**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Gaurav Sharma, Advocate
for the petitioner.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

Mr. Harsh Jain, Advocate
for the complainant.

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.145 dated 14.12.2022, under Sections 363, 376 IPC and Section 4 of Protection of Children from Sexual Offences Act (Amended), 2012, 2019 (Section 4 of POCSO Act deleted later on), registered at Police Station Division No.1, Pathankot (Annexure P-1).
2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he is in custody since 15.12.2022. As per the ossification test report dated 31.01.2023 (Annexure A-1), the prosecutrix is major. The prosecutrix has not supported the prosecution case during her examination before the trial Court.
3. Learned State counsel has filed status report by way of affidavit of Sh. Sumeer Singh, PPS, Deputy Superintendent of Police, City, Pathankot on behalf of respondent-State of Punjab, which is taken on record. Custody certificate

of the petitioner/accused Mandeep Kumar has also been filed, reflecting his period of custody as 01 year 03 months and 17 days.

3.1 Learned State counsel as well as the learned counsel for the complainant has opposed the present petition on the ground of gravity of allegations levelled against the petitioner.

4. I have considered the aforesaid contentions.

5. As per the status report, the statement of the prosecutrix (PW-2) has been recorded during the trial. Copy of her statement has been annexed along with the status report, as per which, she has not supported the prosecution version. She has stated her age to be 25 years. There are total 26 prosecution witnesses out of which, 05 have been examined and 04 prosecution witnesses have been given up.

6. Investigation is complete. Final report/challan under Section 173 Cr.P.C. has already been presented before the trial Court. Out of total 26 prosecution witnesses, only 05 have been examined during the trial. The trial will take some time to conclude. There is no apprehension of absconding of the petitioner during the trial, as such, without commenting on the merits of the case and keeping in view the above facts, the present petition is allowed.

7. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds/surety to the satisfaction of the trial Court/CJM, concerned.

8. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

02nd April, 2024
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