

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-57207-2023 (O&M)
Date of Decision: 19.01.2024

JAGRAJ SINGH @ JUGRAJ SINGH @ SONY

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

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

Present:- Mr. Pankaj Garg, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG Punjab.

Mr. Shadab Ahmad, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case bearing FIR No.97 dated 31.12.2022 registered under Sections 363, 366-A, 376 (2) N, 120-B of the IPC and 6 of the POCSO Act, at Police Station Sadar Budhlada, District Mansa.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner is innocent and has been falsely implicated in the present case. The petitioner is in custody since 02.01.2023 and after the completion of investigation, challan has been presented in the Court. He submits that the victim as well as her mother have turned hostile. He further contends that the trial is going to take time to conclude, as such, prayer for releasing the petitioner on bail has been made.

3. On the other hand, learned State counsel has opposed the bail petition and submits that the petitioner along with co-accused Amarjot Singh @ Babu had sexually assaulted the minor victim, as such, the petitioner does not deserve the concession of bail. He has filed the custody certificate of the petitioner and Forensic DNA report dated 23.02.2023 in the Court today, which are taken on record.

4. The victim has supported the prosecution case in her statement recorded under Section 164 Cr.P.C. As per the forensic DNA report, the human semen and DNA detected on vaginal smear slides, swabs and underwear stated to be of the victim, matched with the DNA STR profile of the petitioner. The victim was minor, whereas the age of the petitioner was 29 years. The appreciation of the testimony of the victim and the scientific evidence will be done by the trial Court. The victim has supported the prosecution case in her examination-in-chief recorded on 30.08.2023 (Annexure P-3). However, the cross-examination was deferred at the request of defence/petitioner. On 13.09.2023, she has resiled from her previous statement.

5. The allegations against the petitioner are serious in nature. No ground is made out to grant the concession of bail to the petitioner. The petitioner cannot be granted concession of bail merely on the ground that the victim had turned hostile during the cross-examination. Keeping in view the fact especially that the minor victim had supported the prosecution case in her statement recorded under Section 164 Cr.P.C. as well as in her examination-in-chief and there is medical evidence against the petitioner, the present petition stands dismissed.

6. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

19.01.2024

P.Bhatt	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No