

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

207

CRM-M-59586-2023 (O&M)
Date of decision: 15.05.2024

Amarjeet Singh @ Laddi @ Ladi ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No.143 dated 29.07.2022, registered under Section 376 of IPC and Section 4 of POCSO Act, 2012, at Police Station Sadar, Sri Muktsar Sahib, District Muktsar Sahib.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the prosecutrix “M” (name withheld) on 29.07.2022, alleging therein that on 28.07.2022, she had gone to her fields to sow paddy crop with her mother. Her mother had returned home at about 01:00 PM, while she was alone in the fields and was bathing in the rain outside the road abutting

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the fields, the petitioner came to her and on the pretext of her sister-in-law calling the victim at her home, he took her to his house and ravished her. The prosecutrix disclosed about the incident to her mother, who had taken her to the hospital and get her medically examined. She prayed for taking penal action against them. After registration of FIR, investigation proceedings were initiated, the petitioner was arrested on 29.07.2022 and presently, he is facing trial for commission of offence punishable under Section 376 of IPC read with Section 4 of POCSO Act, 2012. He had moved an application for grant of regular bail before the trial Court but the same was dismissed, vide order dated 17.05.2023.

3. The present petition has been filed by the petitioner on the ground and his counsel has argued that he has been falsely implicated in this case due to the reason that the relationship of the families of the prosecutrix and himself was not good, though they are neighbours. The petitioner is in custody since 29.07.2022. No human semen was detected on the clothing/vaginal swabs of the prosecutrix as per FSL report. The trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. Hence, it is prayed that the present petition deserves to be allowed.

4. Status report has been filed by respondent No. 1-State. It is submitted therein and it has been argued by learned State counsel that there are serious and specific allegations against the petitioner as he has ravished the minor prosecutrix. The prosecutrix and other material witnesses are yet to be examined. There are chances of the petitioner's intimidating the witnesses

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and absconding, if extended benefit of bail. Therefore, she has argued that the present petition is liable to be dismissed.

5. I have heard learned counsel for the parties and have also gone through the material placed on record very carefully.

6. The petitioner is alleged to have committed the act of penetrative sexual assault upon the minor prosecutrix on 28.07.2022. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the same. The allegations against the petitioner are quite serious and specific in nature. The prosecutrix is yet to be examined. Keeping in view the gravity of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that no case has been made out to grant concession of regular bail to the petitioner, at this stage. Accordingly, the petition is dismissed.

15.05.2024

(MANISHA BATRA)
JUDGE

Waseem Ansari

Whether speaking/reasoned	Yes
Whether reportable	Yes