

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-61871-2023 (O&M)
Date of decision: 29.01.2024

JAGDEEP SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Amit Arora, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

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.4 dated 09.01.2023 registered under Sections 363, 366-A IPC at Police Station Jhabal, District Tarn Taran.
2. The petitioner is facing trial in the present case, which has been registered at the instance of the father of the prosecutrix with the allegations that the petitioner is neighbourer of the complainant and on 13.12.2022, the petitioner enticed away the prosecutrix on the pretext of marrying her. After the registration of the FIR, the prosecutrix was recovered from the bridge/canal at village Fatehabad on 10.01.2023 and the medical examination of the prosecutrix was conducted.
3. Learned counsel for the petitioner *inter alia* contends that the

petitioner has been falsely implicated in this case. The petitioner is in custody since 11.01.2023. He submits that none of the material witnesses, who have been examined have supported the prosecution case. Even in the medical examination report, there is no incriminating evidence against the petitioner. 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.

4. On the other hand, learned State counsel opposes the bail on the ground that the allegations levelled against the petitioner are serious in nature. The State counsel has filed reply by way of an affidavit of Tarsem Masih, PPS, Deputy Superintendent of Police, Sub Division Tarn Taran today in the Court, which is taken on record.

5. Upon instructions, learned State counsel has informed that investigation qua the petitioner is complete and final report under Section 173 Cr.P.C. has already been presented before the trial Court. He further submits that out of total 17 witnesses, 4 witnesses including the complainant, minor victim and Sharanjit Kaur have been examined, who have turned hostile. He has produced copy of Forensic DNA Test Report dated 18.01.2024 which reflects that human semen and male DNA was not detected on Exhibits B-1 and B-2 i.e. the vaginal swabs of the victim.

6. Investigation is complete and the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court; out of total 17 prosecution witnesses, only 4 material witnesses have been examined so far; there is no medical evidence on the record; the trial will take some time to conclude; and there is no apprehension of absconding the petitioner during the trial.

7. Without commenting on the merits of the case and keeping in view the

above facts, the present petition is allowed.

8. 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.
9. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

29.01.2024
P.Bhatt

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