



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

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CRM-M-53827-2024

Date of decision: 9th January, 2025

Gurlal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sandeep Kumar Yadav, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The instant one is the second petition for grant of regular bail as filed by the petitioner. His previous petition bearing CRM-M-4538-2024 had been dismissed by this Court vide order dated 27.05.2024.

2. The petitioner along with the co-accused Charanjit Singh is facing trial for commission of offences punishable under Section 376 of IPC read with Section 6 of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') (Section 376-DA IPC, added later vide report No. 37 dated 11.10.2023) in case arising out of FIR No. 181 dated 23.08.2023 registered at Police Station Sultanpur Lodhi, District Kapurthala, on the allegations that on the night of 21.08.2023, the petitioner and the co-accused committed rape upon the minor victim, who is daughter of the complainant.



3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that the circumstances have changed from the date of dismissal of the previous petition as filed by the petitioner since the victim and her parents have been examined before the learned trial Court and have not implicated the petitioner in commission of the aforementioned offences. It is argued that parents of the victim have categorically stated in their respective sworn depositions that the petitioner was not the person who had committed act of aggravated penetrative sexual assault upon the victim. Even the victim, who is a deaf and dumb girl in her sworn deposition, had conveyed to the learned trial Court through sign language that the petitioner did not commit any act of rape upon her. It is submitted that in view of this development and further keeping in view the period spent by the petitioner in custody after dismissal of the previous petition, he deserves to be released on bail.

4. Status report has been filed by the respondent-State. Learned Assistant Advocate General, Punjab has vehemently argued that the FSL report shows that the alleles present in the DNA profile obtained from the blood of the petitioner and the co-accused on being compared with the DNA profile obtained from the interior and posterior vaginal swabs, cervical swabs, vulval swabs and fornix swabs of the victim have been matched which show that the petitioner was one of the perpetrator of the human semen detected on the swabs. It is argued that irrespective of the fact that victim and her parents have not implicated the petitioner in the commission of subject offence, the forensic evidence is sufficient to prove that the



involvement of the petitioner in committing the offence of aggravated penetrative sexual assault against minor girl who is specially abled. Accordingly, it is stressed that no substantive change in the circumstances is made out for allowing the petition and it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. As per the allegations, the petitioner as well as the co-accused had committed act of aggravated penetrative sexual assault upon the minor victim on the night of 21.08.2023. The petitioner was not named in the FIR. The co-accused in his disclosure statement had disclosed about his involvement. Though the victim and her parents who were eye-witnesses of the incident have not implicated the petitioner in commission of the act of rape/aggravated penetrative sexual assault, however, keeping in view the fact that the DNA profile of the blood sample of the petitioner has matched with the DNA profile of the human semen detected on the vaginal swabs of the victim, it cannot be concluded at this stage, that the petitioner was not involved in the occurrence. The previous petition as filed by the petitioner had been dismissed while taking into consideration the DNA report. There is no such substantive change in the circumstances on making the petitioner entitle to be extended benefit of bail. The allegations against him are quite serious as a specially abled child of tender age of nine years, who was not in a position to protect herself, had been ravished on the fateful night. Keeping



in view the gravity of the allegations as levelled, quantum of sentence which the conviction may entail and the above discussed facts and circumstances, it is held that the petition does not deserve to be allowed. Hence, the same is dismissed.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

9th January, 2025
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |