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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-65288-2024
Date of Decision:- 01.08.2025

VIKRAMJIT SINGH ALIAS BIKRAMJIT SINGH ALIAS VICKY
....Petitioner

Vs.

STATE OF PUNJAB ...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. V.K. Sandhir, Advocate for petitioner.
Ms. Manjot Kaur, AAG, Punjab.

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AMARJOT BHATTI, J. (Oral)

1. Petitioner has filed instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No.168 dated 09.08.2022 (Annexure P-1) under Sections 376 (3) and 506 of IPC read with Section 4 of POCSO Act, registered at Police Station Lopoke, District Amritsar.

2. Facts of the case are, prosecutrix gave her statement that on 07.08.2022, she went to Captain's shop at village Dhidan to fetch milk. At about 10.15 am when she reached the shop it was still closed and she enquired about it from Vikramjit Singh @ Vicky who was standing outside.

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Vikramjit Singh @ Vicky told her that shop is closed and he grabbed her arm and dragged her inside the shop and committed forcible rape with her. She was threatened not to tell anybody. She returned home and out of fear of insult in the society did not tell anybody about the incident. Finally, the matter was enquired by her father and she disclosed him about the occurrence. Matter was reported to the police and finally, the present FIR was registered.

3. Learned counsel for the petitioner argued that allegations levelled against him are false. Matter has been compromised. Copy of compromise is Annexure P-2 and the affidavits furnished by the victim and her father are Annexure P-3 and P-4. Thereafter, a petition has been filed for quashing of FIR bearing CRM-M-53638-2022 which was withdrawn vide order dated 18.11.2022. No such occurrence took place. Material witnesses were examined. As DNA report was not received, without considering the facts, regular bail application filed by petitioner twice was declined. Order passed on 2nd bail application dated 06.11.2024 is Annexure P-5. Now the report of DNA is also received which is annexed with the status report and it does not help the case of prosecution. Petitioner will abide by the terms of bail order. Therefore, considering long custody, his regular bail application may be allowed.

4. Status report has been filed. It is confirmed that on completion of investigation, challan was presented in the Court on 29.09.2023, charges were also framed vide order dated 21.10.2023. At the time of filing status

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report, 10 prosecution witnesses were examined. Later-on, supplementary status report is filed and DNA test report (Annexure R-1) is also annexed according to which human semen and male DNA was not detected in the Exhibits A1 to A6 tested in the laboratory.

5. I have considered the aforesaid factual position. Petitioner is behind the bars since 09.08.2022. Trial in this case is going on. Substantial number of witnesses have been examined. Some of the witnesses are still to be examined. As referred above, DNA report (Annexure R-1) has been received. Petitioner is behind the bars for the last about 3 years. He cannot be kept behind the bars for indefinite time period. He will abide by the terms and conditions of bail order. Evidence on record will be appreciated by the trial Court at appropriate stage. Without commenting on the merits of the case, regular bail petition filed by the petitioner is allowed and he is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge, concerned.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

01.08.2025
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Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No

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