

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

CRM No.M-23938 of 2015

Date of decision: 18.09.2015

Tirath Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Ishaan Pasricha, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted by SI Gian Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.85, dated 15.11.2014, registered under Sections 376 and 120-B IPC, at Police Station Rawalpindi, District Kapurthala.

It is contended that the present FIR is motivated and is a result of declaration made by the petitioner who disinherited the complainant and her husband from his property. Immediately thereafter, the present FIR was lodged. The allegations against the petitioner are general and vague and lacks in precision as no date and time of the alleged incident is mentioned. No MLR was carried out upon the prosecutrix. The petitioner is in custody since 04.03.2015.

On the other hand, the learned State counsel opposes the prayer and states that the petitioner is involved in a heinous act of raping her daughter in-law. The challan stands presented. Out of total 14 witnesses, only five have been examined so far.

I have heard learned counsel for the parties and perused the record.

Keeping in view the fact of disinheriting the complainant and her husband by the petitioner, the false implication of the petitioner cannot be ruled out at this stage. The petitioner is more than 65 years of age and allegedly suffering from age related ailments; out of total 14 witnesses, only five have been examined so far, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

18.09.2015

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(JITENDRA CHAUHAN)
JUDGE