

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-25821 of 2015

.....

Date of decision:11.8.2015

Gurpreet Singh

...Petitioner

v.

State of Punjab

...Respondent

....

**Coram: Hon'ble Mr. Justice Inderjit Singh**

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Present: Mr. R.V.S. Chugh, Advocate for the petitioner.

Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab  
for the respondent-State.

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**Inderjit Singh, J.**

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.15 dated 7.4.2015 (Annexure-P.1) registered for the offences under Sections 363 and 366 IPC (and Sections 376 and 120-B IPC, which were added later on) at Police Station Joga, District Mansa.

Notice of motion to Advocate General, Punjab.

On the asking of the Court, Ms. Simsi Dhir Malhotra, learned Deputy Advocate General, Punjab has put in appearance and accepted notice on behalf of the respondent-State. Police record is also available.

Learned Deputy Advocate General, Punjab opposed the bail petition and stated that keeping in view the serious nature and gravity of

allegations against the petitioner, he is not entitled to the benefit of bail.

I have heard learned counsel for the petitioner as well as learned Deputy Advocate General, Punjab appearing for the respondent-State and have gone through the record.

As per the FIR, the prosecutrix aged about 16 years 8 months had left the house without disclosing anything. In the FIR, co-accused Gurwinder Singh alias Kala had been named and the present petitioner has not been named. Later on, vide supplementary statement, the present petitioner has also been named.

I have gone through the Police record also. As per the statement of the prosecutrix recorded on 11.5.2015 only allegation against the present petitioner Gurpreet Singh is that he was driving the motorcycle on which the co-accused took the prosecutrix upto the Railway Station and he returned back. It is also the version of the prosecutrix that while going upto the Railway Station, the co-accused Gurwinder Singh alias Kala committed rape in the fields and the present petitioner Gurpreet Singh remained standing near the motorcycle on the road. As per the prosecution version, the prosecutrix was recovered on 11.5.2015 and till then they visited various places including Nanded Sahib, Patna and Shirdi etc.

The present petitioner is in custody since 23.4.2015. The petitioner is not required for interrogation or investigation purposes as he is in judicial custody. Nothing is to be recovered from him. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Therefore, keeping in view the facts and circumstances of the present case, without expressing any opinion on the merits of the case and without going into the minute details of the facts, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

August 11, 2015.

**(Inderjit Singh)**  
**Judge**

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