

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33200-2015

Date of Decision: October 5, 2015

Bittu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Munish Gulati, Advocate,
for the petitioner.

Mr. K.S. Pannu, DAG, Punjab,
for the respondent.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J (Oral)

Prayer in this petition, filed under Section 439, Cr.P.C.,
is for grant of bail to the petitioner, Bittu, son of Diwan Singh,
resident of village Tarobari, Tehsil and District Fazilka, who has
been booked for having committed the offences punishable
under Sections 120-B, 342, 363, 366-A and 376, IPC, in a case
arising out of FIR No. 253, dated 28.10.2014, registered at Police
Station, Sadar, Jalalabad, District Fazilka.

Learned counsel contends that concededly the

petitioner had not committed rape upon the prosecutrix (name concealed); the prosecutrix has suffered her statement before learned Court below as PW1; the main accused, who allegedly committed rape upon the prosecutrix, is behind the bars; and that further incarceration of the petitioner would not be of any consequence.

Learned counsel for the State after taking instructions from ASI Charanjeet Singh of Police Station, Sadar, Jalalabad, District Fazilka, very fairly concedes that the petitioner had not committed rape. However, he submits that with the active connivance of the petitioner, the main accused was able to commit rape upon the prosecutrix, therefore, he has opposed grant of bail to the petitioner.

After hearing learned counsel for the parties, this Court finds that the petitioner had not actually committed rape on the prosecutrix; he is behind the bars from 28.10.2014; the prosecutrix and other material witnesses of the prosecution have already been examined; and that further incarceration of the petitioner does not appear to be of any consequence and, as such, the present petition is allowed. The petitioner, Bittu, son of Diwan Singh, resident of village Tarobari, Tehsil and District

Fazilka, is directed to be released on bail during pendency of the trial of the present case subject to his furnishing bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Fazilka.

(NARESH KUMAR SANGHI)
JUDGE

October 5, 2015
Pkapoor