

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-34468 of 2015

Date of Decision: October 13, 2015

Chamkaur Singh @ Kala

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Amit Goyal, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.02 dated 02.01.2014 under Sections 376 and 120-B IPC, registered at Police Station Barnala, District Barnala.

Notice of motion.

Ms.Simsi Dhir Malhotra, Deputy Advocate General, Punjab, who is present in the Court, accepts notice on behalf of respondent-State and contests the petition.

Police record is also available.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

The FIR in the present has been registered on the basis of the statement made by prosecutrix, who was aged about 20 years and

was unmarried. As per the allegations in the FIR, the present petitioner has committed rape with the prosecutrix. The prosecutrix has already appeared in the Court and has given the statement as per the prosecution version. At this stage, there is nothing to show that it is a false case or consent case. This finding is to be given by the trial Court on the basis of the evidence produced before it.

Keeping in view the facts and circumstances of the present case, nature and gravity of the offence, I do not find it a fit case where petitioner is entitled to benefit of regular bail. There is every possibility that petitioner may abscond, if he is granted bail.

Therefore, finding no merit in the present petition, the same is dismissed.

However, as the petitioner is in custody since 17.02.2014, the trial Court is directed to expedite the trial by giving short adjournments and even to adjourn the case on day-to-day basis, if required.

October 13, 2015
Vgulati

(INDERJIT SINGH)
JUDGE