

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRM-M-34868-2015

Date of decision: 15.10.2015

Gurtej Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. H.S. Gill, Advocate for the petitioner.
Mr. Shilesh Gupta, Addl. Advocate General, Punjab.

Rajan Gupta, J.(oral)

This is a petition under Section 439 Cr.P.C. seeking regular bail in a case registered against the petitioner under Section 376 IPC at Police Station Dayalpura, District Bathinda, vide FIR No.22 dated 11.3.2015.

Learned counsel for the petitioner submits that a perusal of the FIR would show that element of consent cannot be ruled out in the occurrence. According to him, there was no external marks of injuries on the person of the prosecutrix. Petitioner is in custody since 12.3.2015. Thus, he deserves to be enlarged on bail.

Prayer has been opposed by the State counsel.

Heard.

However, keeping in view the stand of the petitioner, period of incarceration as well as the facts and circumstances of the case, I am of the considered view that no useful purpose will be served by detaining the petitioner during pendency of the trial. The trial may take long time to conclude. Thus, without expressing any opinion on the merits of the case, this petition is allowed and the petitioner is directed to be released on bail to the satisfaction of the trial court.

(RAJAN GUPTA)
JUDGE

15.10.2015
'Rajpal'