

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

**CRM-39617 of 2015 in/and
CRM-M-No. 34944 of 2015(O&M)**

Date of decision: 05.12. 2015

Sanjeev Sapra

-----Petitioner (s)

V/s

State of U.T. Chandigarh

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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

Present:- Mr. Sunil Kaushik, Advocate for the applicant-petitioner.

Mr. G.S. Chahal, APP, Union Territory, Chandigarh.

HARI PAL VERMA, J.(Oral)

CRM-39617 of 2015

Learned counsel for the applicant wishes to withdraw the instant application at this stage.

Dismissed as withdrawn at this stage.

CRM-M-No. 34944 of 2015(O&M)

Prayer made in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No. 243, dated 04.07.2015, for offence under Sections 323, 342, 376 and 506 IPC, registered at Police Station Sector-36, U.T. Chandigarh.

Learned counsel for the petitioner contends that apart from the fact that the alleged incident took place on 01.06.2015, FIR in question has been got registered on 04.07.2015. He further submits that vide DDR dated 01.06.2015, the complainant has stated that no such alleged incident had

occurred and there were some minor exchange of words, which was otherwise compromised.

Learned APP, appearing for Union Territory, Chanigarh submits that taking into consideration the nature of allegation, the petitioner does not deserve the concession of regular bail and the allegation of the complainant cannot be left aside.

I have heard learned counsel for the parties.

After going through the contents of the FIR in question, it is found that the complainant has stated in her complaint that earlier also, she was taken to different places and rape was committed upon her, but the complainant has neither disclosed these facts nor lodged any FIR about the aforesaid incident.

Considering the fact that there is an inordinate delay of about one month in lodging the FIR, coupled with the fact that the matter has been compromised between the parties in terms of the DDR as well as the fact that the trial is at the initial stage, I deem it appropriate to grant the concession of regular bail to the petitioner.

Accordingly, the present petition is accepted and the petitioner, namely, Sanjeev Sapra is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

It is also made clear that expression made here-in-above shall not be construed as an expression on the merit of the case and the trial Court shall be at liberty to decide the case on the basis of available evidence.

December 05, 2015
Anjal

(HARI PAL VERMA)
JUDGE