

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

CRM-M-42366 of 2014
Date of Decision: April 30, 2015

Sukhwant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Dr. Anmol Rattan Sidhu, Senior Advocate
with Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. C.S. Brar, DAG, Punjab

FATEH DEEP SINGH, J.

This is a petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.06 dated 8.5.2014 under Sections 376,342,506 IPC registered at Police Station NRI Amritsar, District Amritsar City.

The allegations against the petitioner are that he happens to be the real maternal uncle of prosecutrix, a married lady doctor, settled in U.K. and the present case was got registered on the basis of email having been sent on 5.5.2014 to the NRI Cell, wherein, it has been alleged that accused had been raping her since the year 1998 and last occurrence took place in the year 2000 and that she got married in the year 2008 and left for U.K. in the year 2009 and brought this matter into the knowledge of his husband as well as parents but nothing transpired.

The contentions of learned Senior counsel Mr. Sidhu that neither the medical examination of the prosecutrix nor that of an accused has been undertaken to corroborate the factum of any such rape and that the allegations have come up after almost 14 years of the occurrence when prosecutrix was grown up medico are matters which have a deep bearing on the prosecution's story. Though, a feeble attempt has sought to be made by the State counsel to oppose the bail stating that the trial is underway. However, constraining itself from further commenting on the merits of the case the very allegations of the prosecution on the face of it show that there is not even an iota of evidence supporting prima facie allegations against the petitioner, who is in custody since 1.8.2014.

Keeping in view the same, the present petition for grant of regular bail is allowed. Petitioner be admitted to bail to the satisfaction of the trial Court.

(FATEH DEEP SINGH)
JUDGE

April 30, 2015
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