

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

CRM-M-4686 of 2015(O&M)
Date of decision : 14.09.2015

Amarjit Singh @ Chhaju

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Navjot Singh, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted with ASI Jagga Singh

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.85 dated 15.11.2014, registered under Sections 376 and 120-B of the Indian Penal Code (for short 'IPC') at Police Station Rawalpindi, Tehsil Phagwara, District Kapurthala.

The learned counsel for the petitioner, inter alia, contends that being a friend of the father-in-law of the complainant and under the mistaken belief that the son of the petitioner i.e.husband-Sandeep Singh of the complainant, was disinherited by his father, at the asking of the

petitioner, he has been falsely implicated in the present case. There is no specific date or incident with regard to allegation of rape upon the complainant. Husband of the complainant was disinherited by his father vide publication of notice to general public dated 14.11.2014 (Annexure P-2) and on the next date, the present FIR was registered to connect the petitioner with the crime. The respondent had moved an application for DNA test on 19.12.2014 and the petitioner immediately agreed to go for the test. However, despite the consent given by the petitioner, no DNA has been conducted so far upon him. The petitioner is in custody since 17.11.2014 and the challan stands presented.

On the other hand, the learned State counsel opposes the bail and states that there is specific allegation against the petitioner. She further states that the efforts are being made to conduct the DNA test upon the petitioner and out of 14 witnesses only 5 have been examined.

I have heard the learned counsel for the parties and perused the record.

Keeping in view the fact that the challan has already been presented and out of 14 witnesses only 5 have been examined, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future.

In view of above, without adverting to the merits of the

instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds/surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

14.09.2015

ashok

(JITENDRA CHAUHAN)
JUDGE