

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

Crl.Misc.No.M-9755 of 2015

Date of decision : 27.3.2015

Dilbagh Singh @ Bagga

....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Ms.Monika Jalota, Advocate
for the petitioner.

.....

MAHESH GROVER, J.

The petitioner prays for his release on pre-arrest bail in terms of Section 438 Cr.P.C. upon his being summoned as an accused pursuant to the provisions of Section 319 Cr.P.C.

Learned counsel for the petitioner would plead petitioner's innocence and false implication but the statement of the prosecutrix would indicate a direct role attributed to the petitioner and another co-accused of pinning her down to facilitate rape by one Gopi who is already in custody and facing trial.

Upon evaluation of the material and the statement of the prosecutrix, I would not deem it to be a fit case where powers under Section 438 Cr.P.C. should be exercised in favour of the

petitioner. However, keeping in view the fact that the petitioner is a youngman, I would deem it appropriate to dispose of the instant petition with a direction that in case the petitioner surrenders himself to the process of law by appearing before the learned trial court and makes a prayer for regular bail, the same shall be considered and disposed of by the learned trial court in accordance with law by taking into consideration the totality of circumstances. The application would, however, be disposed of positively within a period of three days from the date of filing of such application.

27.3.2015

(MAHESH GROVER)
JUDGE

dss