

216 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-18622 of 2016
Date of decision: 02.06.2016

Deep SinghPetitioner.

Versus

State of Punjab ...Respondent.

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Jagraj Singh Khiva, Advocate,
for the petitioner.

Ms. Ritu Punj, Addl. A.G., Punjab.

DAYA CHAUDHARY, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.124 dated 26.12.2015 under Section 376 read with Section 34 IPC, registered at Police Station Bareta, District Mansa.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case whereas no specific role has been attributed to him. The petitioner has been implicated under Sections 376/34 IPC. The allegations are there against the main accused who is behind the bars. The petitioner has not played any role in the commission of offence. Even as per allegation in the FIR, the main accused Suba Singh caught hold of the arms of the victim and dragged her into the room and committed rape upon her against her wishes. The husband of the victim reached at the spot and nothing has been said as to whether the main accused ran away from that place. The petitioner is neighbour of the main accused and his presence was natural but no material has been collected by the investigating

agency. He is in custody for the last approximately four months. Challan has been presented and charges have been framed and the trial will take long time to conclude.

Learned counsel for the State has not disputed the custody period as well as the role of the petitioner but opposes grant of bail to the petitioner.

In view of the submissions made by learned counsel for the petitioner; by considering the role as well as the custody period and also the fact that the main accused is behind the bars, no useful purpose would be served by keeping him behind the bars any further. The present petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

02.06.2016

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(DAYA CHAUDHARY)
JUDGE