

Crl. Misc. No.M-34797 of 2015

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

Crl. Misc. No.M-34797 of 2015

Date of Decision: 30.05.2016

Jagdeep Singh

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. K.S. Dadwal, Advocate
for the petitioner.

Ms. Ritu Punj, Addl. A.G., Punjab
for the respondent-State.

Mr. S.S. Majithia, Advocate
for the complainant.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.55 dated 28.10.2014 registered under Sections 376/450/452/328 of the Indian Penal Code at Police Station Sehna, District Barnala, Punjab.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, no offence is made out against him. He further submits that the complainant, in connivance with her husband-Sukhwinder Singh has implicated the present petitioner just to

extract money from his family. After three days of the registration of FIR, the complainant was produced before the Judicial Magistrate Ist Class, Barnala for recording of her statement under Section 164 Cr.P.C., wherein, she herself has exonerated the petitioner from the allegations levelled in the FIR and specifically stated that no rape was committed. On the basis of statement recorded under Section 164 Cr.P.C., a detailed inquiry was conducted and the cancellation report was going to be presented but the complainant, in connivance with her husband, has again given an application to Senior Superintendent of Police regarding giving of threat by the petitioner to the complainant and the cancellation report could not be presented. Learned counsel also submits that the complainant and her husband are playing this game in connivance with each other as even after passing of ex-parte decree of divorce on 02.03.2015 because of the allegations of illicit relations against the complainant, the parties are still residing together.

Learned counsel for the respondent-State opposes grant of bail to the petitioner on the ground that there are total 16 witnesses, out of which, 12 witnesses have been examined and the next date before the trial Court is fixed for 13.07.2016. He further submits that one more petition is also pending, wherein, the allegations of giving threat to the complainant are there.

Heard the arguments of learned counsel for the parties and have also perused the allegations levelled in the FIR as well as other documents available on the file.

After hearing learned counsel for the parties and keeping in view the stage of trial as only four witnesses are yet to be examined and the

next date before the trial Court is fixed for 13.07.2016, no ground is made out to grant regular bail to the petitioner and the petition is accordingly dismissed.

However, the trial Court is directed to make all efforts to expedite the trial preferably within a period of three months from the date of receipt of certified copy of this Order.

30.05.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE