

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Misc. No. M-38028 of 2016
Date of Decision: 11.11.2016**

Amandeep Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Deepak Aggarwal, Advocate
for the petitioner.

Mr. Deep Singh, AAG, Punjab.

ANITA CHAUDHRY, J(ORAL)

The petitioner is seeking regular bail in FIR No. 38 dated 21.2.2016 registered at Police Station Nathana, District Bathinda under Sections 376(D), 342, 34 IPC.

Counsel for the petitioner contends that petitioner is in custody since 25.3.2016 and challan has been presented but evidence has not started. Counsel has referred to the annexures filed along with the petition to show that there were complaints since 2014 and the prosecutrix and her sister were missing and Habeas Corpus was filed where they had appeared before the Court and no allegations were then levelled. The FIR has been lodged in February 2016 and the date of incident is stated to be 30.12.2015 and it was a false case. It was urged that in order to prove his innocence, the petitioner had given his blood sample for the DNA test and had he been involved, he would not have given his consent and the material facts had been hidden by the prosecutrix.

The record made available shows that a complaint had been filed by Nachattar Singh against Harjeet Singh which was found to be false. Harjeet then filed complaint regarding defamation that was ultimately withdrawn. A Habeas Corpus had been filed and the victim had appeared before the Court. She did not make any allegation of rape and had instead stated that she had gone on her own. There are disputed facts which the prosecution will have to prove at the trial. The trial will take time.

Without commenting anything on the merits of the case and considering the fact that the trial will take time to conclude, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing local surety and adequate bonds to the satisfaction of the trial Court/Duty Magistrate.

(ANITA CHAUDHRY)
JUDGE

November 11, 2016
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No