

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

CRM-M-41695-2016

Date of decision: 28.11.2016

Vinay Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Rishabh Gupta, Advocate,
for the petitioner.

Mr. Mikail Kad, AAG, Punjab.

JAISHREE THAKUR, J.

The instant petition has been filed for grant of regular bail to the petitioner in case FIR No.113 dated 01.07.2015 for offences under Sections 376D, 506, 34 IPC read with Section 67 of the Information Technology Act, Police Station Garhshankar, District Hoshiarpur.

In brief, an FIR No.113 dated 01.07.2015 was registered against the petitioner alongwith other co-accused alleging that she had been raped by Surinder Kumar, while the petitioner and others stood around to keep a watch. In her cross-examination, it is specifically mentioned that only Surinder Kumar committed rape upon her, while also mentioning that Vinay Kumar @ Vinna is innocent person and has not committed rape upon her.

In view of the fact that the statement of the prosecutrix has been recorded and she has been subjected to cross-examination in which she has levelled allegations only against Surinder Kumar, while holding that the petitioner herein is innocent, the petitioner would be entitled to regular bail.

It is also noted that the petitioner has been in custody since 12.08.2015 for a period of almost 16 months and that the trial is likely to take some time.

However, it is made clear that any opinion expressed herein is for the purpose of granting regular bail and not on merits.

Petition stands disposed of.

28.11.2016
Dinesh

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No.
Yes/No.