

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

**CRL. MISC. No.M-5909 OF 2016 (O&M)
DATE OF DECISION :25th FEBRUARY, 2016**

Gurdeep Singh

.... **Petitioner**

Versus

State of Punjab

.... **Respondent**

CORAM : HON'BLE MRS. JUSTICE ANITA CHAUDHRY

* * * *

Present : Ms. Riffi Birla, Advocate for the petitioner.

Mr. V.P.S. Sidhu, AAG, Punjab.

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ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking regular bail in FIR No.72 dated 19.06.2015 registered under Section 376 IPC and Section 66-A & 67-E IT Act, registered at Police Station Jalalabad, District Fazilka.

Counsel for the petitioner contends that the petitioner is in custody since July, 2015 and charge has been framed in October, 2015 and no PW has been examined. Counsel for the petitioner further contends that the complainant had lodged the FIR in June, 2015 relating to an incident which was over nine months old. He further contends that the complainant had got married on 01.02.2015 and she was referring to an incident that was 3/4 months prior to her marriage and the prosecutrix is not appearing in the Court and she was major and at the most it would be a consensual act. It is urged that in the MLR there is reference to her divorce and the medical was

got done in October, 2015 and the prosecution would not get any support from the medical evidence.

State counsel submits that charge was framed in October, 2015 but no witness has been examined. He further states that as per the notings, on the file brought by the police official, nine dates have been given for PWs.

Perusal of the complaint shows that the complainant had taken divorce. Even in the MLR it is mentioned that she was a divorcee. The charge was framed in October, 2015 and not a single witness has been recorded yet.

Considering the above facts, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court, with a rider that the petitioner will not contact the prosecutrix directly or indirectly.

25th February, 2016
'raj'

(ANITA CHAUDHRY)
JUDGE