

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

CRM-M No. 12858 of 2017(O&M)

Date of decision: 27.4.2017

Darshan Singh

....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. S.P. Soi, Advocate for the petitioner.

Mr. Ankur Jain, AAG, Punjab.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of regular bail in FIR No.141 dated 30.08.2016 registered with Police Station Sadar Samana, District Patiala for offence punishable under Sections 306, 376, 313, 506, 182, 120-B of the Indian Penal Code, 1860.

Counsel for the petitioner has submitted that the present FIR has been registered at the behest of mother of the alleged victim (since deceased). Manjit Kaur, mother of the victim and Gurdeep Singh a co-villager of Manjit Kaur have already been examined but both of them failed to support cause of the prosecution and were declared hostile. It is further submitted that co-accused in the case namely Harpal Kaur and Virpal Singh were released on bail by this Court on 07.04.2017. The last submission made by counsel is that the petitioner is ready to face the trial, in accordance with law but subject to the conditions that may be imposed by this Court. In addition, it is submitted that as informed by counsel for

State while deciding bail application of Harpal Kaur and Virpal Singh, victim was pregnant, had undergone abortion but no DNA was conducted in order to connect foetus with the present petitioner against whom allegations of rape have been raised.

Counsel for the State has not disputed the factual assertions but opposed the prayer for bail.

Concededly, on completion of investigation challan has already been presented and material witnesses namely Manjit Kaur and Gurdeep Singh have been examined but they did not support cause of the prosecution. There is no scientific investigation conducted in the matter to connect the foetus aborted by the deceased with the present petitioner. There is no allegation against the petitioner that he does not have a permanent place of stay and likely to abscond, in case enlarged on bail.

Without meaning to express any opinion on merits of the case, the petitioner shall be released on bail subject to satisfaction of the trial Court. However, he shall abide by the following conditions:-

- (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him/her from disclosing such facts to the Court;
- (ii) he shall not leave India without previous permission of the Court.

APRIL 27, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no