

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

CRM-M-25087-2017 (O&M)
Date of decision : 22.08.2017

Niranjan Singh @ Neeta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Preetwinder Singh Dhaliwal, Advocate,
for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab,
assisted by ASI Jasbir Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in FIR No.240 dated 15.07.2016, registered under Section 376 read with Section 34 of the Indian Penal Code, at P.S. City Barnala, District Barnala.

Contends that the prosecutrix being major and married, was a consenting party. She, on her own free will, resided with the petitioner for about a month and half but never raised any hue and cry. The petitioner is in custody since 15.07.2016.

On the other hand, learned State counsel has opposed the instant petition. On instructions, learned State counsel submits that there are specific allegation against the petitioner. The challan stands already presented. Twenty-two witnesses have been cited by the prosecution, however, none has been examined so far.

Heard.

The prosecutrix, aged about 38 years, is a married lady having two children. As per the allegations, the prosecutrix remained with the petitioner at different places for a period of more than one month. The petitioner is in custody since 15.07.2016. Though, the challan has been presented, but the trial is yet to commence as none of the twenty two prosecution witnesses has been examined so far. Therefore, it can safely be inferred that the conclusion of trial may take considerable time.

In of the view of the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

22.08.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No