

In the High Court of Punjab and Haryana at Chandigarh

CRM -M-36855 of 2016

Date of Decision: 31.1.2017

Jonsan @ Johnson

---Petitioner

versus

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Sanjay Jain, Advocate
for the petitioner

Rekha Mittal, J.

The petitioner prays for grant of regular bail in FIR No. 68 dated 3.6.2016 for offence punishable under Sections 376, 452, 511 of the Indian Penal Code (in short "IPC") registered at police station, City Gurdaspur, District Gurdaspur.

Notice of motion.

Mr. Mikhail Kad, AAG, Punjab accepts notice on behalf of the respondent.

Counsel for the petitioner has submitted that the petitioner is in custody since 4.6.2016 and is facing trial. The prosecutrix has been examined on 24.1.2017. The story propounded by the prosecutrix that the petitioner came and lie with her at about 3-00 a.m. on 3.6.2016 when her husband, sister-in-law Ranjit Kaur and niece Mansi were present in the house, is improbable on the face of it. In addition, it is submitted that the petitioner is ready to face the proceedings without any default.

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

I have heard counsel for the parties, perused the paper book, statement of the prosecutrix recorded before the Court made available during course of hearing and the custody certificate.

The prosecutrix has already been examined in the case. The allegations against the petitioner are that he attempted to commit rape on the prosecutrix. Conclusion of the trial is likely to take its own time. There is no allegation that the petitioner is likely to abscond in case enlarged on bail. Without commenting upon merits of the case, the petitioner is ordered to be released on bail subject to satisfaction of the trial court. However, he shall abide by the following conditions:-

- i) He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and
- ii) He shall not leave the limits of this country without prior permission of the Court.

Petition stands disposed of accordingly.

(Rekha Mittal)
Judge

31.1.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No