

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

Decided on: 07.04.2017

1. CRM-M No.8816 of 2017(O&M)

Harpal Kaur

....Petitioner

Versus

State of Punjab

....Respondent

2. CRM-M No.43674 of 2016

Virpal Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Imran Khan, Advocate
for Mr. G.N. Malik, Advocate
for the petitioner (in CRM-M No.8816 of 2017)

Mr. S.P. Soi, Advocate
for the petitioner (in CRM-M No.43674 of 2016)

Mr. Ankur Jain, AAG, Punjab (in both the petitions)

REKHA MITTAL, J. (Oral)

CRM No.10512 of 2017 in CRM-M No.8816 of 2017

Heard.

Allowed as prayed for.

Annexures P4 and P5 are taken on record subject to just exceptions.

Disposed of accordingly.

CRM-M Nos.8816 of 2017 and 43674 of 2016

This order will dispose of CRM-M No.8816 of 2017

'Harpal Kaur vs State of Punjab' and CRM-M No.43674 of 2016 'Virpal

Singh vs State of Punjab' as these have emerged out of same FIR

No.141 dated 30.08.2016, for offence punishable under Section 306 (Sections 376, 313, 506, 182, 195, 120-B added later) of the Indian Penal Code, 1860 (in short 'IPC') registered in Police Station Samana, District Patiala.

Counsel for the petitioners would submit that the material witnesses in the case namely Manjit Kaur, mother of the prosecutrix (since deceased) and Gurdeep Singh, co-villager of Manjit Kaur have already been examined but both of them failed to support case of the prosecution and were declared hostile. It is further submitted that as the material witnesses have already been examined, release of the petitioner (in both the petitions) on bail cannot construe as an apprehension that they would tamper with the prosecution evidence. The last submission made by counsel is that the petitioners (in both the petitions) are ready to face the trial, in accordance with law but subject to the conditions that may be imposed by this Court.

Counsel for the State has conceded to this position but opposed the prayer for bail.

Heard.

On a pointed query raised by the Court, counsel for the State has informed that though the victim was pregnant and she had undergone abortion but no DNA was conducted in order to connect foetus with the accused against whom allegations of rape have been raised. Conclusion of the trial is likely to take its own time. There is no allegation against the petitioners that they are likely to flee from the process of justice, in case enlarged on bail.

Without meaning to express any opinion on merits of the case, bail to the petitioners subject to satisfaction of the trial Court.

However, they shall remain bound by the following conditions:-

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

07.04.2017
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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No