

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

CRM-M-9051-2017 (O&M)

Date of decision : 08.09.2017

Ranbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. ADS Sukhija, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by HC Sandeep Singh.

Mr. Ravi Singh, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

CRM-27031-2017 and CRM-24675-2017

CRM applications are allowed as prayed for, subject to all just exceptions.

Main case

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in FIR No.141 dated 20.08.2016, registered under Sections 376(2)(f) and 506 of the Indian Penal Code (for short, 'the IPC') and Section 30 of the Arms Act, at P.S. Phase-1, Mohali.

It is contended that the petitioner is the brother-in-law of the prosecutrix-complainant. Allegedly, the first incident took place on

24.03.2016 and thereafter, it was frequently repeated. The prosecutrix left the matrimonial home on 06.07.2016 and the FIR came to be registered on 20.08.2016. Learned counsel refers to Annexures P-4 and P-5, the photographs of the prosecutrix which depict her in good health and fine mood. He further refers to Annexure P-3, to contend that the prosecutrix was subjected to medical examination and as per the report of the Chemical Examiner, spermatozoa were noticed in the contents of the exhibit (vaginal swab), which was claimed to be of the petitioner. It is asserted that such an assertion would negate the scientific value of the test (Annexure P-3). The petitioner is in custody since 17.09.2016.

On the other hand, learned State counsel has opposed the instant petition on the ground that serious allegations have been levelled against the petitioner. On instructions, he states that the challan stands presented, charges have been framed and out of 15 prosecution witnesses, 01 has been examined so far.

Heard.

The petitioner is in custody since 17.09.2016. The prosecutrix already stands examined. Only one witness out of the fifteen cited by the prosecution has been examined so far, thus, it can safely be inferred that the conclusion of the trial may take considerably time. Therefore, this Court feels that no useful purpose would be achieved in keeping the petitioner under further incarceration.

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

bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

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

08.09.2017
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(JITENDRA CHAUHAN)
JUDGE

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