

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

**Crl. Misc. No.M- 31006 of 2018
Date of decision : 27.07.2018**

Narinder

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Ashish K. Gupta, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

ANITA CHAUDHRY, J.

The petitioner is seeking regular bail in FIR No. 41 dated 01.03.2018, registered under Sections 376, 323, 506 IPC (Section 376 has been converted to Section 376-D and offence u/S. 120-B has been added later on in the charge sheet) Police Station Derabassi, District SAS Nagar, Mohali.

Counsel for the petitioner contends that the petitioner is in custody since 16.04.2018 and the petitioner was not named in the FIR but in the statement given before the Magistrate, the complainant has included his name. It was urged that the medical was got done after six days and challan has been presented.

The State counsel was asked as to whether the DNA test was carried out. It is stated that no sample has been sent for DNA examination and challan has been presented.

The complaint is by a married woman, according to her she had gone to collect the amount that was due to her. In the FIR she names only Amarpal and accuses him of rape but three days later she changes her statement and involved the petitioner.

The investigation is over and challan has been presented. The trial would take time. Without commenting on the merits of the case, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court/duty Magistrate.

(ANITA CHAUDHRY)
JUDGE

27.07.2018

Sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No