

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Misc. No. M-44735 of 2017
Date of Decision: 23.1.2018**

Sangeet Kumar @ Goli

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. D.S.Malwai, Advocate
for the petitioner.

Mr. Rajbirinder S. Chahal, Addl. A.G., Punjab.

ANITA CHAUDHRY, J

The petitioner is seeking regular bail in FIR No. 53 dated 16.2.2017 registered at Police Station City Sangrur, District Sangrur, under under Section 376-D, 312, 149 IPC later on challan presented under Sections 376-D, 312, 366, 149, 120-B IPC and Section 411 IPC (added later on).

Counsel for the petitioner contends that the petitioner is in custody for almost 11 months and only one PW has been examined.

Challan has been presented and charge has been framed. It appears that supplementary statement was made by the complainant and supplementary challan was filed.

Counsel for the petitioner contends that the complainant is 30 years old and she was in a relationship with Satish Kumar and became pregnant and the allegations are that the complainant was to get engaged

and the ceremony was fixed for February 2017 and Satish called the complainant and asked her to get her clothes and jewellery and they would perform marriage and she was taken to a house where she was raped by 2-3 other persons who were also living in the same colony. The counsel urges that Satish was living in the same neighbourhood and was also married and, therefore, the question of promising marriage is false. The counsel has also referred to the complaint (Annexure P-2) and to the statement (Annexure P-3) wherein she had stated that she had left the house on her own and nobody had taken her away.

State counsel has urged that the allegations of rape have been levelled against the petitioner along with the other accused and the complainant is yet to make a statement.

Petitioner is in custody for almost ten months. In the initial statements given by the family and the complainant, there is a contradiction and it will be for the trial Court to see which statement is to be relied upon. The trial will take time. The DNA report, if any, has not been received to connect the petitioner to the occurrence.

Without commenting anything on the merits of the case and considering the fact that the trial will take time to conclude, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing local surety and adequate bonds to the satisfaction of the trial Court/Duty Magistrate. The petitioner will not tamper with evidence nor directly or indirectly contact the complainant.

(ANITA CHAUDHRY)
JUDGE

January 23, 2018

Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No