

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-49488 of 2018

Date of Decision: 19.11.2018

Suraj Sahota

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

ANITA CHAUDHRY, J

The petitioner is seeking regular bail in FIR No. 119 dated 31.8.2013 registered at Police Station Bullowal, District Hoshiarpur under Sections 452, 376 IPC.

Counsel for the petitioner contends that petitioner was declared proclaimed offender earlier and his anticipatory bail application was dismissed but he had surrendered on 18.12.2017. The counsel further states that the petitioner is accused of raping a 70 year old woman. The counsel further submits that there was a dispute and an altercation had taken place and a statement was recorded on 27.8.2013 and the incident alleged is of 23.8.2013. The counsel further urges that the FIR was lodged after a delay and the FSL report is negative and the prosecutrix had died a natural death in March 2018. Counsel further submits that the petitioner undertakes that he would appear on each and every date of hearing. The counsel also points out that the police had received the FSL report but in their enquiry, the DSP

had suggested that it should be left to the Court to decide the matter and challan was presented.

The incident is said to have taken place on 23.8.2013. The FIR was lodged on 31.8.2013. The FSL report is negative. Meanwhile, the prosecutrix died a natural death. The private witnesses have been examined.

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. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate with the condition that he will not leave the country without the express/prior permission of the trial Court. The petitioner would surrender his passport, if any. In case he does not have a passport, he will give an affidavit to that effect to the trial Court while furnishing bail bonds.

(ANITA CHAUDHRY)
JUDGE

November 19, 2018

Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No