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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3636-2019 (O&M)

Date of decision:21.02.2019

SUKHWINDER SINGH @ RINKU

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Navjot Singh, Advocate,
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

CRM-5265-2019

Since certain Sections were not incorporated in the head-note of the petition, prayer in this application filed under Section 482 Cr.P.C. is to incorporate those Sections.

For the reasons stated in the application, same is allowed.
Amended petition is taken on record.

CRM-M-3636-2019

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.0095 dated 14.08.2018 registered under Sections 376, 506 & 201 of IPC at Police Station City Khanna-II, Police District Khanna, District Ludhiana.

Learned counsel for the petitioner has argued that at the most, the relations between the prosecutrix and the petitioner were consensual

and they were in touch since 19.01.2018, whereas the FIR has been registered on 14.08.2018. The prosecutrix was not only known to the petitioner but she was on regular whatsapp messages/mobile talks with Danvir Singh (brother of the petitioner) and Baljit Singh (brother-in-law of the petitioner) which substantiate the fact that the petitioner and the prosecutrix were closely known to each other. The petitioner is in custody since 27.09.2018 and the trial will take sufficient long time.

Learned State counsel, on instructions from ASI Rajinder Singh, states that the case is fixed before the trial Court for prosecution evidence on 28.03.2019. Therefore, so long as the prosecutrix is not examined, the petitioner is not entitled to be released on bail.

I have heard learned counsel for the parties.

There is no dispute that the petitioner and the prosecutrix were known to each other and she had even regular talks with the close relatives of the petitioner as indicated above. The question as to whether the relations were consensual or rape was ever committed upon the prosecutrix against her consent, is required to be established during trial.

Having gone into the contents of the FIR and the documents (Annexures P-4 and P-5) i.e. the whatsapp messages between the prosecutrix and Danvir Singh (brother of the petitioner) and Baljit Singh (brother-in-law of the petitioner), this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

(HARI PAL VERMA)
JUDGE

21.02.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No