

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-6535 of 2019

Date of Decision: 14.6.2019

Shankar Dial @ Shankar Dyal

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Bhanu Pratap Singh, Advocate
for the petitioner (s).

Ms. Anu Chatrath, Addl. AG, Punjab.

Ms. Neha Jain, Advocate, for
Mr. Naresh Kumar, Advocate,
for the complainant.

RAJ SHEKHAR ATTRI, J.

The present petition has been filed under Section 439 Code of Criminal Procedure (in short, “Cr.P.C”) for grant of regular bail to the petitioner in case FIR No.118 dated 5.9.2018 registered for the offences punishable under Sections 376, 324, 506, 452, 34 of Indian Penal Code (for short, “IPC”) at Police Station Chabbewal, District Hoshiarpur.

Briefly stated, it is the case of the prosecution that she solemnized love marriage with Hardeep Singh (non-petitioner) and a son is born from this wedlock. On 15.5.2018, the prosecutrix alone was present at the home and petitioner-Shankar Dial administered some intoxicating substance to her and made physical relations with her against her consent.

Thereafter, the parents of the complainant brought the complainant back to her parental house.

It is further alleged that again on 31.1.2018 at about 9:30 p.m., petitioner Shankar Dial entered her house under the influence of liquor and started using force against her by showing a sharp edge weapon. When she raised alarm, he attacked her which attracted other members of the family and he along with Hardeep Singh escaped from the spot.

I have heard learned counsel for the parties and gone through the record.

The incident of rape is of 15.5.2018 and inflicting injuries is of 31.1.2018 but the FIR has been lodged on 5.9.2018.

It has been submitted that co-accused Hardeep Singh has already been granted regular bail by this Court in CRM-M-53692-2018 vide order dated 10.12.2018.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Shankar Dial @ Shankar Dyal son of Manohar Lal is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the

petitioner shall have to apply for bail afresh.

(c) He shall not leave the country without the prior permission of the Court.

June 14, 2019

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No