

232.

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

CRM-M-14898-2019

Date of decision: 19.08.2019

LOVEDEEP SINGH MUNDER

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

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

Mr. Saurav Khurana, DAG, Punjab.

None for the complainant.

HARI PAL VERMA, J. (Oral)

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.101 dated 01.09.2018 registered under Sections 376, 506 of IPC and Sections 67, 67-A of IT Act (Sections 376(D) and 376(2)(N) of IPC added during challan) at Police Station Koom Kalan, Ludhiana, District Ludhiana.

Counsel for the petitioner states that the petitioner is in custody since 17.12.2018. The prosecutrix has been examined in the case and she has not supported the case of the prosecution, rather declared hostile. He has produced a photocopy of the statement of the prosecutrix. He has referred to Annexure P-2, photographs of the petitioner with the prosecutrix to contend that they were in relationship.

Learned State counsel has referred to the communication Annexure P-3 which is SMS sent by the petitioner to his uncle Manjit Gahotra wherein he has admitted the very act of sexual assault upon the prosecutrix.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 17.12.2018 and the prosecutrix has not supported the case of the prosecution, being declared hostile, this Court finds that the culpability of the petitioner is yet to be established and accordingly, 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.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

19.08.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No