

**In The High Court for the States of Punjab and Haryana  
At Chandigarh**

CRM-M-30768-2019 (O&M)

Date of Decision:- 16.11.2019

Sukhchain Singh @ Bindu

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Rajesh K. Dadwal, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

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**GURVINDER SINGH GILL, J. (Oral)**

1. Petitioner-Sukhchain Singh @ Bindu, seeks grant of regular bail in a case registered vide FIR No.79, dated 24.7.2018, registered at Police Station Mehtiana, District Hoshiarpur, under Sections 366, 376-D, 120-B, 342 IPC.
2. The FIR was lodged at the instance of the prosecutrix wherein she has alleged that she was having an affair with Jaswinder Kumar who had proposed to marry her. It is alleged that on 25.6.2018 said

Jaswinder Kumar asked her to come in the street and upon his asking she went outside where Jaswinder Kumar was present along with an unknown youth and they called another youth and made her sit in a car and took her away to the house of Jaswinder Kumar where she was kept for 2 days and was raped by him without her consent. It is alleged that later she was taken to Amritsar where she was kept in a rented house. It is further alleged that Jaswinder Kumar while making phone call to his friends asked them to take care of the prosecutrix and four persons one of who was referred to as Sunny forcibly gave her intoxicant tablets and they raped her turn by turn.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that subsequently when the statement of the prosecutrix was recorded under Section 164 Cr.P.C., she has not stated a word regarding the alleged rape by the friends of the main accused Jaswinder Kumar. It has further been submitted that later however another supplementary statement of the prosecutrix was recorded wherein she has implicated the petitioner.
4. Opposing the petition, learned State counsel has submitted that since the prosecutrix has specifically named the petitioner in the supplementary statement, no case for grant of bail is made out. It has however, been informed that the petitioner has been behind bars since the last more than one year. It has further been informed that although charges have been framed but not even a single PW has been examined till date.

5. Having regard to the facts and circumstances of the case it will certainly be debatable as to whether the petitioner has committed rape upon the prosecutrix or not given the fact that the prosecutrix has been making contradictory statements. In any case, the petitioner has been behind bars since the last more than one year, further detention of the petitioner will not serve any useful purpose as the trial is likely to take some time for its conclusion. The petition, as such, is accepted and petitioner-Sukhchain Singh @ Bindu is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.
6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

**November 16, 2019**

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**(GURVINDER SINGH GILL)**  
**JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No