

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

CRM-M-36014 of 2019.

Decided on:- September 18, 2019.

Rajesh Duggal alias Rinku.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Ferry Sofat, Advocate
for the petitioner.

Mr. Saurav Khurana, D.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.97 dated 22.04.2018 under Sections 376 and 506 IPC registered at Police Station Tripuri, Patiala, District Patiala.

Learned counsel for the petitioner states that the aforesaid FIR was registered at the behest of the prosecutrix. The allegations against the petitioner are of commission of rape on the false promise of marriage with the prosecutrix. The petitioner is already married having two grown up children. The prosecutrix was married in the year 1997 and she is a divorcee having two children aged about 18 years and 15 years respectively at the time of registration of the FIR. As per the allegations, the petitioner and the prosecutrix were in relationship since the year 2015 and there is no such medical evidence to support the case of the prosecution that she was ever

subjected to rape. The petitioner is in custody since 16.12.2018 and the trial is not likely to be concluded in near future as no witness has been examined in the case.

Learned State counsel, on instructions from ASI Balwinder Singh, has not disputed the fact that the petitioner is in custody since 16.12.2018. He submits that the prosecutrix had been asked repeatedly to get herself medico-legally examined, but she did not come forward to undergo such medical examination.

I have heard learned counsel for the parties.

The petitioner is in custody since 16.12.2018. The prosecutrix is a married lady having two grown-up children, the elder being 18 years of age at the time of registration of the FIR. The parties are allegedly in relationship since the year 2015. Despite there being various opportunities to the prosecutrix to get herself medico-legally examined, she is not coming forward to get herself medico-legally examined. In this manner, this Court finds that when the culpability is yet to be established and the trial is not likely to be concluded in near future, the petitioner deserves to be admitted on bail.

Therefore, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

However, it is made clear that in case the petitioner influences the prosecution witnesses in any manner directly or indirectly, the prosecution shall be at liberty to seek cancellation of his bail.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

September 18, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No