

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

CRM-M-37607 of 2019.

Decided on:- November 26, 2019.

Randish Sachdeva @ Kali.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

Present:- Mr. P.K.S. Phoolka, Advocate
for the petitioner.

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

Mr. Manoj K. Tanwar, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.127 dated 24.06.2019 under Sections 376, 346 and 506 read with Section 34 IPC registered at Police Station Canal Colony, Bathinda, District Bathinda.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 16.07.2019. Though Challan has been presented in the case, but the charge has not been framed against the petitioner. As per the allegations, the prosecutrix had travelled all the way on 16/17.06.2019 and

she was made to board a bus to Manali and stayed there till 24.06.2019. Thereafter, she had returned to Chandigarh and then to Bathinda.

He has further argued that the allegation against the petitioner that he made the prosecutrix to drink liquor against her wishes forcibly and then took her on a motorcycle to Gopal Nagar, Street No.11 at the house of Ricky Orchestra and there he committed rape upon her in the absence of Ricky Orchestra, who was not in his house, cannot be accepted. Moreover, the medical report does not support the case of the prosecution.

Learned counsel for the complainant has argued that the allegations against the petitioner are serious. There is a statement of the prosecutrix to support her case. She was under the consistent threat of the petitioner. At this stage, merely because the medical report does not support the case of the prosecution, is not relevant for the purpose of decision on the bail application. Power of attorney filed on behalf of the complainant in Court, is taken on record.

Learned State counsel, on instructions from SI Harpinder Kaur, states that the medical examination was conducted on the person of the prosecutrix, but the same does not support the case of the prosecution.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 16.07.2019 and the medical report does not support the case of the prosecution coupled with the fact that the trial is not likely to be concluded in near future, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, 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.

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.

November 26, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No