

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

CRM-M-37702-2019

Date of Decision:23.10.2019

Bhavjeet Singh Gill alias
Baljinder Gill

.....Petitioner

Versus

U.T., Chandigarh

.....Respondent

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

**Present: Ms. Gursharan K. Mann, Advocate,
for the petitioner.**

Mr. J.S. Toor, APP, for U.T., Chandigarh.

**Mr. Sartaj Singh Toor, 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.0208 dated 10.11.2018 under Sections 323, 376 IPC, 1860 and Sections 25/54/59 of the Arms Act, 1959, registered at Police Station Sector 49, District Chandigarh.

Power of attorney filed on behalf of the complainant today in the Court, is taken on record.

Learned counsel for the petitioner has argued that the petitioner is in custody since 29.07.2017 and while making reference to the FIR, she states that there is no allegation of rape having been committed by the petitioner on the person of victim. The allegation of rape if any is against co-accused namely Baljeet Chaudhary. The only allegation against the

petitioner is that he has called the prosecutrix and took the location of her house where the co-accused joined him.

Learned counsel for the complainant has argued that the complainant has not named the petitioner as regards the allegation of rape having been committed upon the victim.

Learned State Counsel has filed the custody certificate of the petitioner. He states that the petitioner is stated to be in custody for about 2½ months. He further states that in addition to the present FIR, petitioner is also accused in another FIR No.73 dated 22.04.2012 under Sections 279, 294, 332, 353, 307, 34 IPC, Police Station Sector-3, Chandigarh. However, in that case, petitioner is on bail.

Heard learned counsel for the parties.

Considering the fact that in the supplementary statement, the prosecutrix has not made specific allegation of rape upon the petitioner and the allegation against the petitioner is that he has called the prosecutrix and took the location of her house where the co-accused joined him, culpability of the petitioner is yet to be established during the course of trial. In FIR No.73 dated 22.04.2012, petitioner is already on bail.

Considering the fact that the petitioner is in custody since 29.07.2017 and the role attributed to him in the FIR, this Court deems it appropriate to admit the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall

proceed with the trial independently without being influenced by the order of bail passed by this Court.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner. In case, the petitioner influences the witnesses in any manner, the prosecution shall be at liberty to seek cancellation of his bail.

October 23, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No