

218.

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

CRM-M-39756-2019

Date of decision: 06.11.2019

PARAMJIT SINGH @ PAMMA AND ANOTHER ... Petitioners

versus

STATE OF PUNJAB Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Manbir Singh Basra, Advocate,
for the petitioner.

Ms. Jasleen Kaur Sidhu, AAG, Punjab.

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 petitioners, pending trial, in case FIR No.46 dated 04.06.2017 registered under Sections 376-D, 506 of IPC at Police Station Dera Baba Nanak, District Gurdaspur.

Counsel for the petitioners states that the prosecutrix has not supported the case of the prosecution, rather she has resiled from her statement. Since she was declared hostile, the co-accused Rajan Singh @ Raja, Gurpreet Singh @ Rubal and Jagroop Singh @ Roopa were acquitted by the trial Court vide judgment dated 08.12.2017. He refers to the statement of the prosecutrix (Annexure P-1) that the prosecutrix has got recorded the names of Raja, Rupa, Ruban, Wazir Singh and Pamma (applicant in the application). In her cross-examination, she had stated that the accused present in the Court did not commit rape upon her and her statement before

the Magistrate (Ex.PA) was under pressure and coercion of the police, whereas the statement made by her before the trial Court on 29.04.2019 is correct and voluntary, and her statement Ex.PA was not made voluntarily. Petitioner No.1-Paramjit Singh @ Pamma is in custody since 22.08.2018, whereas petitioner No.2-Wazir Singh @ Jeera is in custody since 12.07.2018. There is no medical evidence to establish the rape having been committed by the petitioners.

Learned State counsel, on instructions from ASI Baldev Singh, does not dispute the custody and the fact that the prosecutrix was declared hostile in the case and she has not supported the case of the prosecution.

I have heard counsel for the parties.

Considering the fact that the prosecutrix has not supported the case of the prosecution and has resiled from her statement coupled with the fact that no such medical has been produced before the court so as to establish the involvement of the petitioners, this Court deems it appropriate to admit the petitioners on bail.

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

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

06.11.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No