

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

**CRM-M No.39804 of 2019
Date of decision : October 31, 2019**

Karamjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL J. (ORAL)

1. Petitioner-Karamjit Singh, seeks grant of regular bail in a case registered vide FIR No.331, dated 25.12.2017, registered at Police Station Shahkot, District Jalandhar, under Sections 376, 341, 323, 148 and 149 IPC.
2. FIR was lodged at the instance of the prosecutrix aged about 26 years wherein it has been alleged that the petitioner along with others had committed rape upon the prosecutrix.
3. Learned counsel for the petitioner has submitted that the FIR came to be lodged under some misunderstanding and that when the prosecutrix stepped into the witness box, she had not supported the case of prosecution at all. It has further been submitted that the co-accused Makhan Singh and Jaswinder Singh alias Jiri have already been granted bail.
4. The abovestated position is not disputed by the learned State counsel, who has, however, informed that the petitioner was earlier declared as proclaimed offender and it was on 11.03.2019 that he was arrested and has been in custody since then. It has further been submitted that till date charges have not been framed.
5. I have considered rival submissions addressed before this Court. Although the

petitioner had been declared proclaimed offender but consequent upon his arrest in March, 2019, he has been behind bars since last more than seven months. During the course of trial of co-accused, the statement of prosecutrix was recorded wherein she resiled and did not identify the accused present in the Court. During the course of cross-examination, she had virtually given clean chit to all the accused including petitioner Karamjit Singh. The relevant extract from her cross-examination reads as follows:

*“It is wrong to suggest that I made statement Ex.PA to the police. It is neither a fact nor I recorded before the police that accused present in the court Surjit Singh, Makhan Singh, Challo, Jaswinder Singh along with two persons namely Paramjit and Karamjit Singh (since PO) had forcibly taken away me in the side of river of village **Chak bahmania**. It is neither a fact nor I recorded that accused Surjit Singh, Makhan Singh, Challo, Jaswinder Singh along with two persons namely Paramjit and Karamjit Singh (since PO) gave beating to my nephew Raj Kumar.”*

6. Bearing in mind the facts and circumstances of the case and the custody period and also that the prosecutrix has resiled from her statement and has virtually given the clean chit to all the accused and also the fact that the charges are yet to be framed against the petitioner and that conclusion of trial is likely to take time, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and petitioner-Karamjit Singh 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.

(GURVINDER SINGH GILL)
JUDGE

October 31, 2019

sarita

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No