

224.

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

CRM-M-2343-2019

Date of decision:18.03.2019

RAJINDER SINGH

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. C.L. Verma, Advocate,
for the petitioner.

Mr.Rana Harjasdeep Singh, DAG, 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 petitioner in case FIR No.191 dated 26.10.2018 registered under Sections 376, 384, 365, 506, 120-B of IPC at Police Station Pau, Ludhiana.

Fresh power of attorney filed on behalf of petitioner in court today, is taken on record.

Counsel for the petitioner states that the petitioner is in custody since 28.11.2018 and there is no allegation of rape against the petitioner. The allegation of rape, if any, is against Lakhwinder Singh.

Learned State counsel, on instructions from ASI Richard Masih, states that the allegations against the petitioner are serious as he kidnapped the prosecutrix enabling the other accused to commit rape.

Having heard learned counsel for the parties, this Court finds that the allegation of rape, if any, is against Lakhwinder Singh. Moreover, in the FIR, the prosecutrix has stated that Lakhwinder Singh kept on alluring her on the pretext of performing marriage and used to make call every day for having physical relations.

Considering the fact that the petitioner is in custody since 28.11.2018, the culpability is yet to be established during trial and the allegation of rape, if any, is against the co-accused Lakhwinder Singh, this Court deems it appropriate to admit the petitioner on bail.

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

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

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

18.03.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No