

229.

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

CRM-M-51686-2019

Date of decision: 10.12.2019

RAVI

... 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, 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, pending trial, in case FIR No.105 dated 01.06.2019 registered under Sections 363/366-A/120-B of IPC at Police Station Raman, District Bathinda.

As per the FIR, the allegation against the petitioner is that on 29.05.2019 after taking meal in the evening, the complainant-Raj Kumar was sleeping in the courtyard of his house and the next day i.e. 30.05.2019 at about 3.00 AM, when he woke up, he found that his sister (prosecutrix) was not on her cot. A search was made by them. They have the apprehension that the petitioner had kidnapped the prosecutrix so as to develop illicit relations with her.

Counsel for the petitioner has argued that there is no allegation of sexual assault upon the petitioner. Petitioner is in custody since

01.06.2019. He has further argued that the prosecutrix has not opted for medical examination though she was offered for the same.

Learned State counsel does not dispute the custody. However, he states that the prosecutrix has supported the case of the prosecution in her statement under Section 164 Cr.P.C.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 01.06.2019 coupled with the fact that she was offered for medical examination, but she has refused for the same, thus the culpability of the petitioner is yet to be established during trial. Therefore, 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

10.12.2019
sanjeev

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