

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-53338-2019 (O&M)
Date of Decision:- 19.12.2019

Sukhdev Singh @ Sukha ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Manpreet Ghuman, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab,
assisted by HC Rajinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Sukhdev Singh @ Sukha has approached this Court seeking grant of regular bail in a case registered vide FIR No.183, dated 16.10.2018, registered at Police Station Nihal Singh Wala, District Moga, under Sections 498-A, 376, 506, 120-B IPC (Section 376-D IPC added later on).
2. The FIR was lodged at the instance of the victim wherein it has been alleged that her marriage was solemnized with Gurdeep Singh on 15.8.2010 and that her parents had given a large number of articles in dowry but her in-laws were not satisfied with the same and used to harass her in order to press upon their demands of more dowry. It is alleged that her husband went abroad for work in October, 2017, and

in his absence the petitioner and some other friends of her husband started visiting complainant's house and they used to keep an evil eye on her. It is alleged that in the month of March, 2018, the petitioner as well as his co-accused Balbir Singh and Jaswinder Singh committed rape upon her.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the falsity of the case would be evident from the fact that when the complainant/prosecutrix stepped into the witness box she has not identified the petitioner to be the one who had committed rape upon her. The learned counsel in this context has drawn the attention of this Court to the statement of PW-1 annexed as Annexure P-2 and also to the statement of PW-2 Baljinder Singh (Annexure P-3) who has also not supported the case of the prosecution.
4. The learned State counsel while opposing the petition has submitted that since categoric allegations have been levelled against the petitioner in the FIR and in fact the prosecutrix in her statement under Section 164 Cr.P.C. also supported the case of the prosecution, no case for grant of bail is made out. It has however been informed that the petitioner has been behind bars since the last about 1 year and 2 months and till date only 2 out of the cited 13 PWs have been examined.
5. Having considered rival submissions addressed before this Court and while noticing that the prosecutrix has not fully supported the case of prosecution when she stepped into the witness box and that the

petitioner has been behind bars since the last 1 year and 2 months, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and petitioner- Sukhdev Singh @ Sukha 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.

December 19, 2019

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No