

235.

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

CRM-M-776-2020

Date of decision: 17.01.2020

JANGIR SINGH

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. A.S. Khosa, Advocate, for the petitioner.

Mrs. Ruchika Sabherwal, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner, pending trial, in case FIR No.44 dated 10.05.2019 registered under Sections 376-B/120-B of IPC (Section 376 IPC added lateron) at Police Station City Jalalabad, District Fazilka.

Learned counsel for the petitioner has argued that there is no allegation of commission of rape against the petitioner and the allegation, if any, is against the co-accused Malkeet Singh. Even Malkeet Singh and the prosecutrix have sought protection from Jalalabad Court. They (Malkeet Singh, Parveen Rani and Sandeep Singh) approached this Court vide **CRM-M-48390-2019** titled as ***Malkeet Singh and others Versus State of Punjab***, wherein the other co-accused Parveen Rani and Sandeep Singh were admitted on bail vide order dated 09.01.2020. Petitioner is in custody since 28.12.2019.

Learned State counsel does not dispute the custody. She is fair enough to submit that there is no allegation against the petitioner for the

offence of commission of rape. However, the petitioner was accompanying the main accused while marriage of the prosecutrix with Malkeet Singh was allegedly performed.

I have heard learned counsel for the parties.

Petitioner is in custody since 28.12.2019. There is no allegation that the petitioner has committed rape upon the prosecutrix. At the most, the allegation against the petitioner is that he is a friend of Malkeet Singh and the prosecutrix was taken to one gurdwara at Dhani Munshi Ram where ceremony of marriage was performed.

There being no allegation of rape against the petitioner and the culpability of the petitioner is yet to be established during the trial, 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

17.01.2020
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No