

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

(1) CRM-M-1001 of 2020.
Decided on:- February 25, 2020.

Gurinder Singh @ Harry.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

(2) CRM-M-42742 of 2019.

Gurdev Singh @ Gabbar.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Naveen Bawa, Advocate
for the petitioner in CRM-M-1001-2020.

Ms. Jasneet Mehra, Advocate
for the petitioner in CRM-M-42742-2019.

Mr. Hittan Nehra, Addl. A.G., Punjab.

HARI PAL VERMA, J. (Oral)

This order shall dispose of the aforesaid two petitions under Section 439 Cr.P.C. for grant of regular bail filed by petitioners Gurinder Singh @ Harry and Gurdev Singh @ Gabbar, as the same have arisen from

common FIR No.225 dated 09.07.2018 under Sections 365, 376 and 380 IPC (Section 376-D and 120-B IPC added later on) registered at Police Station Dakha, District Ludhiana Rural.

However, for convenience and clarity, the detailed order is being passed in *CRM-M-1001 of 2020* titled as ***Gurinder Singh @ Harry Versus State of Punjab.***

Learned counsel for petitioners have argued that petitioner Gurinder Singh @ Harry is in custody since 17.03.2019 and petitioner Gurdev Singh @ Gabbar is in custody since 18.03.2019. The prosecutrix has been examined in the case and the DNA report does not match with the petitioners. As against total 18 witnesses cited by the prosecution, only 1 witness i.e. the prosecutrix has been examined in the case so far and in this manner, conclusion of trial would take long time.

Learned State counsel does not dispute the custody of the petitioners and the DNA report.

I have heard learned counsel for the parties.

In view of the fact that the DNA report does not match with the petitioners, this Court finds that the culpability of the petitioners is yet to be established during the trial. Petitioner Gurinder Singh @ Harry is in custody since 17.03.2019, whereas petitioner Gurdev Singh @ Gabbar is in custody since 18.03.2019. Out of total 18 prosecution witnesses, only the prosecutrix has been examined in the case and in this manner, the trial is not likely to be concluded in near future. Therefore, no useful purpose would be served by detaining the petitioners in further custody.

Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

Photocopy of this order be placed on the file of other connected case.

February 25, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No