

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRM-M-4537-2020

Date of Decision:06.02.2020

Rajinder Kumar @ Bittu

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. F.S. Virk, Advocate,
for the petitioner.

Ms. Ruchika Sabharwal, 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 in FIR No.02 dated 03.01.2019 under Sections 376, 511, 354, 452, 506 IPC, registered at Police Station Kotwali, District Patiala.

As per FIR, allegation against the petitioner is that on 02.01.2019 at about 12 noon, when the prosecutrix was alone in her house, petitioner entered the house and while having conversation, he suddenly removed his lower(pant) and started to commit obscene acts and tried to commit rape upon her. In this process, she suffered some injuries in the nature of abrasions.

Learned counsel for the petitioner submits that the petitioner is in custody since 06.01.2019 and the allegation against him is an attempt to commit rape and not the rape. The prosecutrix and her husband have been

examined in the case. In this manner, in the event of grant of bail, petitioner is not going to influence the witnesses.

Learned State Counsel does not dispute the custody period. However, she submits that the petitioner despite being in close relations of the family of the prosecutrix, who is a married lady, entered the house, made obscene acts and tried to commit rape and therefore, the allegations are serious.

Heard.

Petitioner is in custody since 06.01.2019. The chemical examination report in the case has not been received so far. The allegation against the petitioner is not of commission of rape, rather an attempt to commit rape. In the background of the case, when the prosecutrix and even her husband have been examined, as against total 16 witnesses cited by the prosecution, 06 witnesses have been examined and trial is not likely to be concluded in the near future, 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.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

February 06, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No