

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M- 5329-2020 (O&M)

Date of Decision: February 18, 2020

Pawandeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Naresh Kumar, Advocate
for the petitioner.

Mr. Davinder Bir Singh, D.A.G., Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.46 dated 30.04.2019, under Section 376 Indian Penal Code, registered at Police Station Mahilpur, District Hoshiarpur.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 30.04.2019. It is submitted that the petitioner has been falsely implicated in the present case. It is also contended that the material witnesses stand examined and there is no likelihood of the petitioner influencing any of the witnesses while also contending that a compromise had been effected between the parties on 27.04.2019 and that the conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner on the ground that there is medical report available on the record as well as a report of FSL wherein spermatozoa has been detected to be found on the clothing of the prosecutrix. It has also been argued that the compromise dated 27.04.2019 would have no relevance given the fact that an FIR came to be registered subsequently, while further submitting that offence alleged against the petitioner is serious in nature, however, he does not dispute the fact that 06 out of total 15 witnesses have already been examined and the remaining have been summoned for 28.02.2020.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 30.04.2019 and out of total 15 witnesses 06 including the material witnesses have been examined and the remaining prosecution witnesses have been summoned for the end of this month, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on his execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

(JAISHREE THAKUR)
JUDGE

February 18, 2020
seema

Whether speaking/reasoned
Whether reportable

Yes
Yes/No