

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

CRM-M-6404 of 2020.

Decided on:- February 18, 2020.

Gurpreet Singh @ Goldy.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

Present:- Mr. Harmandeep Singh Saini, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, A.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.23 dated 09.03.2019 under Sections 354-B, 376 and 506 IPC registered at Police Station Banur, District Patiala.

Learned counsel for the petitioner submits that the petitioner is in custody since 09.03.2019. The prosecutrix is the wife of cousin brother of the petitioner. The allegations against the petitioner are that he had entered the house of victim and showed her nude pictures captured by the petitioner while she was taking bath and thereafter, he blackmailed her on the basis of these photographs and made physical relations with her forcibly.

He further submits that the relations between the petitioner and the prosecutrix, if any, were consensual in nature and the medical evidence does not support the case of the prosecution.

Learned State counsel, on instructions from ASI Gurnam Singh, does not dispute the custody and the fact that the prosecutrix was subjected to medical examination, but the report is negative.

I have heard learned counsel for the parties.

In view of the fact that the medical examination report of the prosecutrix does not support the case of the prosecution, this Court finds that when the culpability of the petitioner is yet to be established during the trial, no useful purpose would be served by keeping him in further custody.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his 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.

February 18, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No