

228.

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

CRM-M-8821-2020

Date of decision: 04.03.2020

AMIT BANSAL

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Amit Aggarwal, Advocate, for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.8 dated 12.01.2020 registered under Section 376 of IPC at Police Station Civil Lines, Bathinda, District Bathinda.

The aforesaid FIR was registered at the behest of the complainant. The allegation against the petitioner is that he committed rape upon the prosecutrix on the promise of marriage.

Learned counsel for the petitioner has argued that the petitioner is in custody since 13.01.2020. Neither the statement of the prosecutrix was recorded under Section 164 Cr.P.C. nor she has come forward for her medical examination. Except the bald allegations, there is no evidence against the petitioner. The prosecutrix was earlier married with one Ritesh Choudhary and thereafter, she has solemnized marriage with Rajesh Behal. She had made similar allegations against Rajesh Behal as well.

Learned State counsel does not dispute the custody and the fact that despite there being repeated communications to the prosecutrix, she has not come forward to get her statement recorded under Section 164 Cr.P.C and she has also not come forward to get her medical examination conducted.

I have heard learned counsel for the parties.

Petitioner is in custody since 13.01.2020 and except the allegations made in the FIR, neither the prosecutrix has got her statement recorded under Section 164 Cr.P.C. nor she has undergone medical examination despite being asked by the police. In this manner, culpability of the petitioner is yet to be established during the trial. The trial in the case will take sufficient long time. Thus, 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

04.03.2020
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No