

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

203

CRM-M No.12784 of 2020 (O&M)
Date of Decision: July 10th, 2020

Sandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Bhriugu Dutt Sharma, Advocate
for the applicant-petitioner.

Mr. Suveer Sheokand, Additional Advocate General, Punjab.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

CRM No.10996 of 2020

Prayer in this application is for exemption from filing process
fee of ₹50/- at this stage with liberty to pay the same at a later stage.

Application is allowed subject to just exceptions.

Exemption, as prayed for, is granted.

CRM-M No.12784 of 2020

Prayer in this petition is for grant of regular bail to the
petitioner in FIR No.56 dated 30.05.2019 registered
under Sections 376-D and 120-B IPC at Police Station Basti Bawa Khel,
Jalandhar.

It is the contention of learned counsel for the petitioner that the
petitioner has been falsely implicated in this case as he is the brother of the
main accused Jassi, who along with two other young boys, committed rape
upon the prosecutrix. His submission is that the petitioner was arrested on
05.06.2019 and is in custody since then. No allegations have been made
against the petitioner with regard to he having committed any overt act,
what to say of rape upon the prosecutrix. The allegations are that the

petitioner had picked her up on his motorcycle and thereafter travelled with her to different places but at no occasion has it been stated that he has misbehaved with the prosecutrix. He states that the petitioner is in custody for more than one year and in the prevailing circumstances, the trial is not likely to conclude in near future.

Counsel for the State, on the other hand, contends that the convinced and active role of the petitioner, which aided in the commission of the crime, is clear and has been spelt out in the FIR itself. His submission is that the petitioner although has not been said to have committed the offence of rape or any other overt act but his presence at every occasion establishes his involvement in the commission of the crime. Assertion has been made that the charge stands framed and seven witnesses have also been examined out of the total eight witnesses. The next date of hearing is 03.08.2020 and, therefore, the petitioner be not granted the concession of bail.

Having considered the submissions made by the counsel for the parties and keeping in view the allegations against the petitioner, from where it is apparent that the petitioner has neither alleged to have committed rape upon the prosecutrix nor has he done anything, which would be termed as an overt act and further the petitioner being in custody since 05.06.2019 has now completed more than 14 months in July, with the prevailing circumstances, trial is not likely to proceed soon as the Courts are not recording evidence at present, accordingly the present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Jalandhar.

Any observations made hereinabove are for the purpose of disposal of the present petition alone and shall have no bearing on the merit of the case during the trial in any manner.

July 10th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No