

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-13962-2020 (O&M)
Date of Decision:- 17.6.2020

Jagjeet Singh alias Jagga

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rahul Bhargava, Advocate, for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.35, dated 23.3.2019, Police Station Kabarwala, District Shri Muktsar Sahib, under Sections 452, 376 and 511 IPC.
2. The FIR in question was lodged at the instance of Raj Kaur wherein it has been alleged that she does labour work and that her husband is

a combine driver and was away to Madhya Pradesh in connection with work. At about 11.30 pm on the day of occurrence i.e. on 22.3.2019 Jagga Singh a resident of the neighbourhood forcibly entered her house and caught her from hairs and threw her on the floor and gave beatings to her and tore her *kurti* and *salvar* and attempted to establish forcible relations with her. When the complainant raised alarm her brother-in-law (*jeith*) Raja Singh came to her house along with other members of his family and upon which the petitioner Jagga Singh fled away from the spot. It is alleged that in case she had not raised alarm, then Jagga Singh could have been successful in establishing physical relations with her.

3. Learned counsel for the petitioner has submitted that a false FIR has been lodged against the petitioner on account of the fact that an amount of ₹40,000/- was due to be paid by husband of the complainant and in order to avoid payment of the same an attempt has been made to falsely implicate the petitioner. Learned counsel has further submitted that in any case even as per the allegation the complainant was not raped and the allegations are to the effect that an attempt had been made to rape the complainant whereas the medical evidence in fact does not even support the alleged attempt to rape as no such injuries were found which could suggest that any force had been used upon the complainant.
4. Opposing the petition, learned State counsel has submitted that since serious allegations have been levelled in the FIR and the petitioner is specifically named therein, no case for grant of bail is made out.

Learned State counsel has however informed that the petitioner has been behind bars since the last more than 4 months and that challan already stands presented.

5. Having regard to the facts and circumstances of the case and while bearing in mind that the petitioner has been behind bars since the last more than 4 months and challan already stands presented, further detention of the petitioner will not serve any useful purpose as the conclusion of trial is likely to take some time.
6. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

June 17, 2020

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No