

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

CRM-M-13829-2020 (O&M)  
Date of Decision:-16.6.2020

Mangat Ram

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Amandeep Singh Rai, 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)*

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**GURVINDER SINGH GILL, J.**(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.57 dated 15.2.2018 at Police Station Division 7, Police Commissionerate, Ludhiana under Section 346 of Indian Penal Code, 1860, wherein Sections 365, 376, 506, 323 and 427 added later on.
2. The FIR in question was lodged at the instance of Rohit Kumar, wherein he has stated that he used to ply auto rickshaw of Mangat Ram and on account of which he knew Mangat Ram very well and he and his family used to visit the house of Mangat Ram off and on. It is alleged that on 31.12.2017 on account of a tiff between his wife and his mother he and his wife resided in the

house of Mangat Ram for about 15 days and thereafter he and his wife started residing in a rented accommodation. It is alleged that on 8.2.2018 when he returned back home he found that his wife was missing and despite having made efforts to look for her she could not be found. It is further the case of prosecution that the prosecutrix was recovered after about 12 days. The statement of the prosecutrix was recorded under Section 164 Cr.P.C. and she has also been examined as PW-2 during the course of trial, wherein she has categorically stated that on 8.2.2018 Love came to her house and asked her to accompany him and she accompanied him on his motorcycle to the house of Mangat Ram where mother of Mangat Ram offered her tea in which some intoxicating substance was mixed and upon consuming the same she became unconscious. She further stated that when she regained consciousness, she found herself in Roorkee in a hotel room and that Mangat Ram kept on administering intoxicating medicines to her and committed rape with her where she remained for about 12 days.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that, in any case, since the statement of the prosecutrix has already been recorded and also of other material witnesses, his further detention will not serve any useful purpose.
4. Opposing the petition, the learned State counsel has submitted that since the prosecutrix has categorically named the petitioner to be the accused, having raped her, no case for grant of bail is made out. The learned State counsel has, however, informed that the petitioner has been behind bars since the last more than two years and that statement of the prosecutrix and of her husband already stand recorded. It has also been informed that the petitioner is not involved in any other case. The learned State counsel upon instruction from

ASI Rajinder Singh has informed that only 4 out of cited 18 PWs have been examined till date.

5. Having regard to the facts and circumstances of the case and while bearing in mind the fact that the petitioner has been behind bars since the last more than two years and that statement of the prosecutrix already stands recorded and also that conclusion of trial is likely to take some time as only 4 out of cited 18 PWs have and examined till date, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and it is ordered that the petitioner be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**16.6.2020**

pankaj

**( Gurvinder Singh Gill )  
Judge**

Whether speaking /reasoned                      Yes / No

Whether Reportable                                      Yes / No