

Karnail Masih

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. R.K. Arya, Advocate
for the petitioner

Ms. Samina Dhir, DAG Punjab

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 118 dated 15.10.2019 registered under Section 376 IPC at Police Station Dhariwal, District Gurdaspur.

According to the FIR, the complainant and the petitioner were known to each other. The petitioner offered to get her dispute with her in-laws settled and therefore, the complainant went alongwith him to Gurdaspur, Jalandhar, Chandigarh and Delhi, where they stayed in different hotels. While the complainant was with the petitioner, he established sexual relations with her against her consent.

Learned counsel for the petitioner submits that a perusal of the FIR shows that there was a consensual relationship. The petitioner has been in custody for over 8 months now and the trial is not likely to be concluded at an early date as only 5 PWs have been examined out of a total of 17 PWs, thus, the petitioner deserves to be granted regular bail.

Custody certificate dated 06.07.2020 of Superintendent, Central Jail, Gurdaspur has been placed on record. According to this custody certificate, the

petitioner has undergone actual custody of 8 months and 17 days. There are three other cases pending against him out of which one is under Section 138 of the Negotiable Instruments Act, 1881 and in the other case i.e. FIR No. 70 of 2014, the petitioner is on bail. In FIR No. 56 dated 01.06.2011 registered under Sections 420, 506 IPC, the petitioner is shown to be in custody.

From the aforementioned facts it is apparent that the trial is not likely to be concluded at an early date. The petitioner has undergone actual custody of over 8 months and the allegation against him appears to be frivolous. In two other cases the petitioner is on bail and if he is not on bail in FIR No. 56 dated 01.06.2011, he will get benefit of this order only after he is granted bail in the said case as well. Thus, I deem it appropriate to grant regular bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

It is made clear that anything stated hereinabove shall not be construed to be an opinion on the merits of the case.

July 06, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No