

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14117-2020(O&M)

Date of decision:29.07.2020

Gurwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Abhishek Bhateja, Advocate for the petitioner

Mr.M.S.Nagra, AAG, Punjab

Mr. Impinder Singh Dhaliwal, Advocate for the
complainant

ANIL KSHETARPAL, J. (ORAL)

The petitioner prays for grant of bail pending trial in a criminal case arising from FIR No. 71 dated 28.8.2019 registered under Section 376, 366, 120-B IPC at Police Station Lakhewali.

The FIR was lodged by the father of the victim asserting that he has three children. His younger daughter, the prosecutrix, is aged about 19 years. On 26.8.2019 when he woke up in the morning, he could not find his daughter anywhere. He claims that his daughter might have been enticed away on the pretext of marriage.

Learned counsel for the petitioner has drawn the attention of the Court to the history recorded by the officials of the Punjab Health System Corporation while conducting the medical examination of the prosecutrix which is extracted as under:-

“Pt presented to emergency with alleged H/o Sexual Assault on 2/9/19 at 11:30 A.M. She is unmarried & 19 y/F. Calm conscious cooperative well oriented to time, place and person. She is moderately built & nourished. She is brought o hospital by police accompanied by her mother. As per history narrated by patient, she is in relationship with Gurwinder Singh from last 4.5 m but having no sexual contact. On 26/8/19 at 4:30 AM she left her house with Gurpreet Singh (friend of Gurwinder Singh) on bike and boarded bus from Kotkapura to Anandpur Sahib and reached there at 3:30 PM went to Gurudwara Sahib there and then to a room where she was assaulted by Gurpreet Singh at night on 26/8/19. On next day she went to Sirsa to meet Gurwinder Singh came back to Mansa Gurudwara Sahib and from there on morning 28/8/19 reached Anandpur Sahib. Stayed there for one day. On 29/8/19 at around 7:30 AM Gurwinder Singh came to Anandpur Sahib from where he went to into room and they have sexual contact with consent of patient and the nshe was brought to house.”

Learned counsel for the petitioner further contends that the prosecutrix is not coming forward to depose in the Court, although, 13 opportunities have been granted to her. He further submits that on

14.7.2020 this Court granted another opportunity to the prosecution to record the statement of the prosecutrix, even thereafter, two more opportunities have been granted but the prosecutrix has not come forward to record her statement.

The petitioner is in custody since 2.9.2019.

Without commenting on the merits of the case and keeping in view the aforesaid facts, it is considered appropriate to release the petitioner on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Petition stands allowed.

29.07.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No