

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

(I)

CRM-M-14466-2020 (O&M)

Date of Decision:- 16.6.2020

Mohammed Shoaib @ Sahil

... Petitioner

Versus

State of Punjab

... Respondent

(II)

CRM-M-14588-2020 (O&M)

Javed @ Sonu @ Monu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gulzar Mohammed, 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. This order shall dispose of the above mentioned two petitions wherein petitioner Mohammed Shoaib @ Sahil and Javed @ Sonu @ Monu, have approached this Court seeking grant of regular bail in respect of a case registered against them vide FIR No.89, dated 28.6.2019, registered at Police Station Kartarpur, District Jalandhar Rural, under Sections 376-D, 342, 34 IPC.
2. The case of the prosecution is that petitioners Mohammed Shoaib @ Sahil and Javed @ Sonu @ Monu along with their co-accused (Mohammed Shoaib s/o Bhru) had subjected the prosecutrix to rape.
3. Learned counsel for the petitioners has submitted that they have falsely been implicated in the present case and that in any case they have now been behind bars since the last more than 11 months and the prosecutrix has absolutely resiled from her statement when she was examined in the Court.
4. The aforestated position is not disputed by learned State counsel who has however, submitted that the complainant in her statement under Section 164 Cr.P.C. had stated that she had been raped by 3 persons and had specifically named Mohammad Shoaib @ Sahil and as such they do not deserve the concession of bail.
5. Having considered rival submissions addressed before this Court and keeping in view the custody of the petitioners and the fact that the prosecutrix has resiled from the statement, further detention of the petitioners will not serve any useful purpose. The petitions, as such are accepted and the petitioners are ordered to be released on regular

bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

June 16, 2020

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No