

CRM-M-15017-2020
CRM-M-51661-2019

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-15017-2020
Date of decision: 30.7.2020

Sumit

...Petitioner

Versus

State of Punjab

...Respondent

CRM-M-51661-2019

Ravinder alias Bittu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.SS Jattan, Advocate for the petitioner
in CRM-M-15017-2020

Mr.CP Tiwana, Advocate for the petitioner
in CRM-M-51661-2019

Mr.Mehardeep Singh, Addl.AG, Punjab

JITENDRA CHAUHAN, J.

The matter has been taken up through video-conferencing
in the light of the pandemic Covid-19 situation and as per instructions.

The abovementioned two petitions i.e. CRM-M-15017-2020
and CRM-M-51661-2019 arising out of same FIR are being disposed of, by
this common order.

By way of the present petitions, the petitioners are seeking regular bail in case FIR No.61 dated 26.5.2019 registered under Sections 323, 366, 376-D, 450, 506 read with Section 34 IPC at Police Station Alewa, District Jind.

Learned counsel for the petitioners submit that no allegations of rape have come in the initial version of the prosecutrix. In fact, on 27.5.2019, a categorical statement was made before the doctor that she did not want to get herself medically examined as no rape was committed upon her. The allegation of rape surfaced in the statement recorded under Section 164 Cr.P.C. on 27.5.2019. No photograph was recovered from the petitioners. The prosecutrix is major and in fact on a call made by her, the petitioners had visited her. Petitioner Sumit is behind bars since date of his arrest i.e. 31.7.2019, whereas petitioner Ravinder alias Bittu is in custody since 28.5.2019. The petitioners are not involved in any other FIR.

On the other hand, learned State counsel opposes the prayer of the petitioners. He further submits that out of 18 witnesses, 3 witnesses have already been examined.

Heard.

The allegation of rape has come up for the first time in the statement of the prosecutrix recorded under Section 164 Cr.P.C. In the initial version, there is no mention of rape. There is no dispute with regard to the majority of the prosecutrix. Whether the petitioners were invited by the prosecutrix or the petitioners lured her, is a question of fact that has to be determined by the trial Court. The trial is in progress and is not likely to be

concluded in the near future. Out of 18 PWs, only 3 have been examined so far. In the circumstances, the Court feels that the further incarceration of the petitioners is not warranted at this stage.

In view of the above, both the petitions are allowed and the petitioners are ordered to be released on bail during the pendency of trial on their furnishing bail bonds/ surety bonds to the satisfaction of the trial Court/ CJM/ Duty Magistrate.

However, anything notice hereinabove, shall not be construed as an expression of opinion on the merits of the case.

Photocopy of the judgment be placed on the connected file.

30.7.2020
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?	Yes	/	No
Whether reportable?	Yes	/	No