

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

CRM-M No.15412 of 2020 (O&M)
DATE OF DECISION : 1st JULY, 2020

Jagjit Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present: Mr. Tarun Sharma, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.141 dated 11.07.2017 registered under Sections 498 & 120-B IPC (Sections 376 & 366 IPC added later on) at Police Station Ghall Khurd, District Ferozepur.

It is contended by the counsel for the petitioner that the case against the petitioner is totally concocted. Even as per the case of the prosecution, the allegation is qua enticing away the wife of the complainant, who happen to be major, and obviously a married lady. Therefore, the allegation of the rape, simply cannot be sustained against the petitioner. It is further submitted that even the FIR was got registered after 50 days of the alleged incident. The petitioner is in custody since 16.08.2018 and only 05 witnesses have been examined out of 22 witnesses. The petitioner is not required for any investigation purposes. Hence, the petitioner deserves to be released on bail.

Notice of motion.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab, accepts notice on behalf of the State.

The learned counsel for the State, being instructed by ASI Baljinder Singh, submits that Sections 376 and 366 IPC were added after MLR of the wife of the complainant was received. It is further submitted that 10 witnesses have already been examined out of 22 witnesses. However, it is not disputed that there has been delay of 50 days in lodging the FIR and that the petitioner is in custody since 16.08.2018.

In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

1st JULY, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>