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

CRM-M-15564 of 2020

Date of decision: July 01, 2020

Jagga Singh @ Jangbhadur Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vinod K. Kaushal, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.105 dated 09.12.2019, under Section 376 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Bhindi Saidan, District Amritsar Rural, Amritsar.

As per prosecution case, FIR was registered on the basis of statement of the prosecutrix/victim levelling allegations against the petitioner that he committed rape and asked her to maintain physical relation with him.

Contentends that as per the allegation of the prosecution, the occurrence had taken place on 03.07.2019; whereas the present FIR was registered on 09.12.2019, i.e. after a delay of almost 5 months. Also contends that the complainant is a married lady and petitioner is in custody since 30.01.2020; after investigation in the matter, challan has already been presented on 06.02.2020. It is also contended that there is no other criminal

case pending against the petitioner.

The above factual position is duly acknowledged by the learned State counsel, on instructions from police official.

Heard both sides and perused the paper-book.

Concededly, there is a delay of five months in lodging the FIR. As per allegation of the prosecution itself, complainant is a married lady. Since the investigation is already over and charges are yet to be framed, thus, the trial is likely to take sufficient long time. In view of the facts and circumstances of the present case, further incarceration of the petitioner would not serve any purpose.

Consequently, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

The petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

July 01, 2020
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No