

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

CRM-M No.15395 of 2020
DATE OF DECISION : 1st JULY, 2020

Rakesh Sharma

.... 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. Amit Arora, 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.156 dated 03.12.2019 registered under Sections 376 & 506 IPC at Police Station Basti Bawa Khel, District Jalandhar.

It is contended by the counsel for the petitioner that the case against the petitioner is totally concocted. Even as per the story of the prosecution, it could be only a case of consensual relationship. It is also submitted that; although the prosecutrix has lodged the present FIR, however, subsequently, even the prosecutrix has sworn an affidavit that she does not have any complaint against the present petitioner. So far as the allegations of blackmailing, are concerned, it is submitted by the counsel that the same are totally concocted. Even during the investigation, police have not been able to recover any incriminating material which could have been used by the petitioner for blackmailing the prosecutrix. The petitioner is in custody since 03.12.2019. The

charge has already been framed. 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 Nirmal Singh, submits that there is positive case against the petitioner. However, it is not disputed that police have not recovered any material; which could have possibly been used by the petitioner for blackmailing the prosecutrix. It is also not disputed that the petitioner is in custody since 03.12.2019.

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

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No