

(Proceedings conducted through video conferencing)

CRM-M-15671-2020

Date of Decision: 03.07.2020.

GURLAL SINGH ALIAS AMANDEEP

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. A.S.Mann, Advocate, for the petitioner.

Mr. H.S.Sullar, DAG, Punjab.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking regular bail in case FIR No. 39 dated 08.03.2020 under Sections 376 and 366 IPC registered at Police Station Bhikhi, District Mansa.

Briefly, the aforesaid FIR has been registered on the basis of statement of the prosecutrix alleging that her marriage was solemnized about 13 years ago and two children were born from the wedlock. Her brother Ranjit Singh was residing near her house. On 01.03.2020, her brother alongwith the family had gone to village Singhpura, District Sangrur and no one was present at his house. The prosecutrix went to the house of her brother and the same was found to be locked. Gurlal Singh alias Amandeep, the petitioner who was residing in the neighbourhood, arrived at the spot, caught hold the petitioner from her arm and covered her face with handkerchief. The prosecutrix became unconscious and she was taken to the house of her brother where the petitioner committed rape upon her. On the same night, the petitioner took the prosecutrix away from the village in an auto-rickshaw. When she regained consciousness, she found herself to be at Sunam station. The petitioner was administering some intoxicant substance to the prosecutrix. On 03.03.2020, she was brought to Bhikhi in a bus and was left at Bhikhi Samaon Chowk where she met her family members.

It has been contended by learned counsel for the petitioner that there is a delay of 07 days in lodging the FIR. Furthermore, the petitioner was never got medico-legally examined and supplementary statement was recorded on 03.03.2020 wherein the prosecutrix has refuted the allegations of commission of forcible sexual intercourse upon her by the petitioner. In the supplementary statement, it is emerging that the petitioner had removed her clothes but suddenly the husband of the prosecutrix arrived at the spot. Consequently, the petitioner and the prosecutrix got confused and she spent the night by hiding herself. It is also specifically mentioned in the supplementary statement that the prosecutrix does not intend to initiate any action against the petitioner.

Learned State counsel has not disputed the aforesaid fact(s).

In the instant case, there are two different versions emerging in the statements of the prosecutrix and the genuineness thereof is to be seen during the course of trial. Furthermore, it has not been disputed that the investigation of the case is complete and challan has already been presented. The arrest of the petitioner was effected on 09.03.2020.

Keeping in view the entire circumstances of the case and without making any observation on the merits of the case, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, the present petition is allowed and petitioner is directed to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate concerned.

03.07.2020
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No