

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

CRM-M No.15428 of 2020
DATE OF DECISION : 1st JULY, 2020

Gursharanjit Singh alias Sharanjit Singh alias Sunny
.... 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. G. S. Verma, 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.215 dated 20.12.2019 registered under Sections 376 & 506 IPC (Section 376 (2), (n) IPC added later on) at Police Station Koom Kalan, District Ludhiana.

It is contended by the counsel for the petitioner that the case against the petitioner is totally concocted. There has been a delay of about six months in lodging the FIR, which itself shows that the story of the prosecution is false. Otherwise also the allegation is that the petitioner entered in the house of the prosecutrix, who is a married lady, and committed rape upon her and made videos of the act for blackmailing her. However, during the investigation the police has not been able to recover any video or photograph as alleged by the prosecution. The petitioner is in custody since 20.12.2019. The charge has already been

framed. Therefore, 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.

On the other hand, the counsel for the State has opposed the present bail petition by submitting that there are direct allegations against the petitioner. However, it is not disputed that there is a delay of about six months in lodging the FIR and that the police have not been able to recover any video and photograph, as alleged against the petitioner. It is also not disputed that the petitioner is in custody since 20.12.2019.

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

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