

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

CRM-M-17433-2020

Date of decision: 21.7.2020

MOHAMMED SHOAIB

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Gulzar Mohammed, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in Virtual
Court)*

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.89, dated 28.6.2019, registered at Police Station Kartarpur, District Jalandhar Rural, under Sections 376-D, 342, 34 IPC.
2. The case of the prosecution is that petitioner Mohammed Shoaib s/o Bhru along with his co-accused namely Mohammed Shoaib @ Sahil and Javed @ Sonu @ Monu had subjected the prosecutrix to rape.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case he has now been behind bars since the last more than 1 year & 11 days and the prosecutrix

has absolutely resiled from her statement when she was examined in the Court. It has further been submitted that co-accused of the petitioner namely Mohammed Shoaib @ Sahil and Javed @ Sonu @ Monu have already been granted concession of bail by this Court vide order dated 16.6.2020 (Annexure P-4).

4. The aforesaid position is not disputed by learned State counsel who has however, submitted that the complainant in her statement under Section 164 Cr.P.C. had stated that she had been raped by 3 persons and as such he does not deserve the concession of bail.
5. Having considered rival submissions addressed before this Court and keeping in view the custody of the petitioner and the fact that the prosecutrix has resiled from the statement, further detention of the petitioner will not serve any useful purpose. The petition, as such is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

21.7.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No