

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

**CRM-M-19415-2020 (O&M)
Date of Decision:06.08.2020**

Ishwar Dass

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. P.K.S. Phoolka, Advocate for the petitioner.

Mr. A.A. Pathak, Addl.A.G. Punjab.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner seeks benefit of regular bail in FIR No.0226 dated 19.09.2019 under Sections 376-D, 384, 506 and 120-B IPC registered at police station Canal Colony Bathinda, District Bathinda.

Counsel for the parties have been heard.

The FIR came to registered on the statement of Mainka wife of Vijay Kumar. Allegations raised are of gang rape at the hands of the present petitioner as also other co-accused.

As per complainant's version her husband Vijay Kumar, was lodged in jail whereas co-accused Manpreet Singh and Ishwar Dass (petitioner herein) had been released on bail. Yet another co-accused Harpreet Singh was friend of Manpreet Singh as also the present petitioner.

Complainant has alleged that she got acquainted with the accused when she used to go to meet her husband in the jail. It has been alleged that Manpreet Singh-co-accused had allured her on the pretext of engaging an advocate so as to facilitate release of her husband and she was asked to stay at the house of co-accused Harpreet singh. Allegations are that Manpreet Singh-co-accused gave her something to drink and on account of which she became drowsy and thereafter Manpreet, Harpreet as also the present petitioner committed rape. Complainant had asserted that such offence was repeated subsequently by calling her to the house of Manpreet Singh (co-accused).

This court finds that the submission raised by counsel for the petitioner as regards false allegation is not without merit.

The complainant concededly is a married lady with children. In her complaint no date as regards commission of offence was given. Even after the alleged first occurrence in the house of co-accused-Harpreet Singh, complainant chose to remain quiet. She alleges that thereafter the second occurrence took place in the house of co-accused-Manpreet Singh, where she had gone. Even as regards the second occurrence also no date is forthcoming.

Perusal of the order dated 20.06.2020 passed by the learned Additional Sessions Judge, Bathinda, declining the prayer for bail to the petitioner would reveal that the complainant has now suffered a statement that she has no objection if the concession of bail is granted.

Petitioner has already faced incarceration of a period in excess of 10 months.

Investigation in the case is complete and the challan has been presented.

Trial is still at the initial stage and would take time to conclude.

In the considered view of this Court, petitioner is entitled to the benefit of bail.

Petitioner be enlarged on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, Bathinda.

It is, however, clarified that the observations made in this order are confined as regards considering the prayer of the petitioner for grant of bail and would have no bearing on the merits of the case.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

August 06, 2020

shweta

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No