

CRM-M-19217 of 2020

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

CRM-M-19217 of 2020
Date of Decision: 13.08.2020

Baldev Singh

...Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. P.S. Dhaliwal, Advocate, for the petitioner.
Mr. Bhupender Beniwal, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Case has been taken up for hearing through video-conferencing due to Covid-19 pandemic.

Through this petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to petitioner – Baldev Singh – in case arising from FIR No.73 dated 20.11.2019 registered under Sections 376(d), 376(2), 376C, 34 IPC at Police Station Tallewal, District Barnala.

According to the prosecution, police party headed by petitioner (ASI Baldev Singh) was investigating the case got registered by prosecutrix under Sections 459, 307 read with Section 34 IPC and Section 25 of the Arms Act at Police Tallewal. The prosecutrix was taken to Rajendra Hospital, Patiala, by the police party on the pretext that her presence was required for recording the statement of injured. While returning from Patiala, petitioner and co-accused committed gang rape upon her.

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Learned counsel inter alia contends that petitioner has falsely been implicated in the instant case. Petitioner is in custody since, 22.11.2019. Conclusion of trial may take a long time. No useful purpose would be served by detaining the petitioner in custody. Co-accused of the petitioner, namely, Tarun Kumar and Jagdev Singh @ Jaggi have already been granted regular bail by this Court vide orders dated 03.07.2020 and 04.08.2020 passed in CRM-M-14511 of 2020 and CRM-M-18804 of 2020, respectively. Therefore, treating the case of the petitioner on the same parity as of his co-accused, he may also be granted regular bail.

On the other hand, learned State counsel vehemently opposed the submissions of learned counsel for the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of case, the petition is allowed. Consequently, petitioner – Baldev Singh, is ordered to be released on bail pending trial on the same parity as that of his aforesaid co-accused, if, not required in any other case, on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

August 13, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No