

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

PARVEEN KUMAR
22/08/2020 13:32
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Crl. Misc. M-20734 of 2020
Date of decision: 11.08.2020

216

Rajinder Kumar

....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Monty Goyal, Advocate,
for the petitioner.

Mr. Hitten Nehra, Addl. A.G., Punjab.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C., for grant of regular bail in FIR No. 171 dated 20.08.2019 under Sections 376, 506 IPC registered at Police Station Haibowal, Ludhiana.

As per the statement of the victim, who is mother of three children, rape had been committed upon her in October, 2018 when the petitioner had started living in the neighbourhood and then they had shifted thereafter to a different colony at Ludhiana. The case is that when the husband of the victim used to go to work, the accused used to come to her house and make physical relations with her without her consent. The allegations are of 22.05.2019 lastly while the FIR was registered after 3 months on 20.08.2019.

Counsel for the petitioner has argued that the medical examination conducted on 21.08.2019 also does not show any such injury on the person of the victim. The petitioner is only 18 years of age in comparison to the prosecutrix, who is, as noticed, a mother of three children

and as per the FIR, 30 years of age.

Admittedly, the investigation is complete and charge has been framed on 19.02.2020 and the petitioner is in custody for the last 11 months and 21 days as per the custody certificate dated 11.08.2020.

In such circumstances, the trial is likely to take considerable time and it is the case of the petitioner, which is vouched by the State counsel, that the petitioner has clean antecedents and is not involved in any other criminal proceedings. The petitioner has been in custody for the past 8 months and no useful purpose would be served in further detaining him.

Resultantly, the present petition is allowed and the petitioner is granted bail, on his furnishing bail bonds/surety bonds, to the satisfaction of the Illaqa/Duty Magistrate, Ludhiana.

11.08.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No