

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-22818 of 2020

Date of Decision: 19.08.2020

Gurpreet Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Kanwar Arun Singh, Advocate
for Mr. Fatehjeet Singh, Advocate
for the petitioner.

Mr. Dhruv Dyal, Senior Deputy Advocate
General, Punjab for the respondent.

Anil Kshetarpal, J.

The present petition has been filed for grant of regular bail to the petitioner pending trial in a criminal case arising from FIR No. 23 dated 19.03.2020, registered under Section 376-D IPC at Police Station Sadar Jalalabad District Fazilka.

In a nutshell, the case of the prosecution has been noticed by the learned Sessions Judge, Fazilka in para No. 3 of his order dated 21.07.2020, which is extracted as under:

“FIR in this case was got registered on 19.03.2020 by a minor prosecutrix by stating that about 10 years ago, she solemnized marriage with Balraj Singh son of Juj Singh and out of her wedlock, she gave birth to two daughters and one son. It was alleged that Sat Pal Singh son of Gurdial Singh had been eve-teasing her whenever she used to cross the street, regarding

which, she had confided this fact with her husband and a complaint was also made to his family. It was further alleged that on 15.10.2019 at 11.00 am, while she had been sleeping in her house alone, suddenly Satpal Singh accompanied by his brother Gurpreet Singh entered her room. Gurpreet Singh caught hold her from her arms and gagged her and Satpal Singh disrobed her and raped her. She was further threatened not to disclose this fact to anybody. In the evening when her husband reached home, she narrated the entire incident to him. During the course of investigations, accused was arrested on 27.06.2020 while his brother is still at large”.

Learned counsel for the petitioner contends that there is no allegation against the petitioner of having committed any sexual assault. He further submitted that the petitioner is in custody since 27.06.2020.

On the other hand, learned State counsel, on the instructions of Sub Inspector Ramandeep Kaur, has opposed the prayer for grant of regular bail to the petitioner.

Keeping in view the aforesaid facts of the case and without commenting on the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate.

(Anil Kshetarpal)
Judge

August 19, 2020
“DK”

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No