

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

212

CRM-M No. 23460 of 2020

DATE OF DECISION : 25th AUGUST, 2020

Gurdeep Singh @ Deep

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present: Mr. Kamalpreet Bawa, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.96 dated 12.06.2019 registered under Sections 366-A, 376, 323, 506 & 120-B IPC and Section 4 of Protection of Children from Sexual Offence Act, 2012 at Police Station Dharamkot, District Moga.

It is contended by the counsel for the petitioner that the case against the petitioner is totally concocted. In fact, the prosecutrix was having a love affair with the co-accused, against whom the allegations are that he raped the prosecutrix. So far as the petitioner is concerned there is not even any allegation against him that he committed any sexual act with the prosecutrix; as such. The only allegation against the petitioner is that he was standing outside the house of the prosecutrix when the main accused had entered the house and had committed rape upon the prosecutrix. It is also submitted by the counsel for the petitioner

that the main accused have already been granted bail by this court. The petitioner is in custody since 06.06.2020. The challan has already been filed. Therefore, the petitioner is not required for any investigation purposes.

Notice of motion.

Mr. Ajay Pal Singh Gill, DAG, Punjab, accepts notice on behalf of the State.

The learned counsel for the State, being instructed by SI Labh Singh, has submitted that there are direct allegations against the petitioner. However, it is not disputed that the allegation against the petitioner is not qua any sexual act with the prosecutrix, rather, the allegation against him is that he kept standing outside the house when the main accused had committed rape. It is also not disputed that the main accused has already been granted bail.

In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

25th AUGUST, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>