

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25580-2020
(Heard through VC)
Date of decision: 07.09.2020

Waris Masih @ Michel**....Petitioner****V/s.****State of Punjab****.....Respondent****CORAM: HON'BLE MS. JUSTICE RITU BAHRI.**

Present: Mr. Swarn Tiwana, Advocate for the petitioner.

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

Ritu Bahri, J. (Oral)

This petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case F.I.R. No. 149 dated 13.07.2019 under Sections 346 and 34 of Indian Penal Code, 1860 (Section 363 and 376 IPC, 1860 added later on) registered at Police Station Canal Colony Bathinda, District Bathinda (Annexure P-1).

Learned counsel for the petitioner refers to the contents of the FIR (Annexure P-1) and submits that prosecutrix Manwinder Kaur is 23-24 years old and she accompanied the petitioner on her own sweet will on 30.06.2019 and FIR was registered on 13.07.2019 by the brother of the prosecutrix and thereafter she had been recovered from the railway station by the police on 21.07.2019 and even at that time also she did not make any statement against the petitioner that she had been enticed by the petitioner. She accompanied the petitioner for almost 21 days.

Learned counsel for the State on instructions from ASI Rajwinder Singh, submits that in this case challan was presented on 18.10.2019 but charges are not framed till date. The petitioner is in custody

since 21.07.2019 and statement under Section 164 Cr.P.C. was given by the sister of the complainant (prosecutrix) on 22.07.2019 before the JMIC Bathinda where she levelled allegation of the rape upon the petitioner. There is no other case pending against the petitioner.

Keeping in view that prosecutrix was 23-24 years of age and she had raised no objections for almost 21 days and the fact that the trial is not likely to conclude in near future, this Court feels that there is no need to detain the petitioner any longer. Accordingly, this petition is allowed and the petitioner is ordered to be enlarged on bail to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate. However it is made clear that petitioner will not contact/harass the prosecutrix and any member of her family.

07.09.2020**Divyanshi****RITU BAHRI
(JUDGE)****Whether speaking/reasoned:****Yes/No****Whether reportable:****Yes/No**