

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25303-2020
(Heard through VC)
Date of decision: 07.09.2020

Raj Singh**....Petitioner****V/s.****State of Punjab****.....Respondent****CORAM: HON'BLE MS. JUSTICE RITU BAHRI.**

Present: Mr. Naveen Bawa, 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. 225 dated 09.07.2018 under Sections 365, 376 and 380 of Indian Penal Code, 1860 (Sections 376-D and 120-B IPC, 1860 added later on) registered at Police Station Dakha, District Ludhiana Rural.

Learned counsel for the petitioner states that the role attributed to the petitioner in the FIR was that he was standing outside the gate with his motor-cycle. He has referred to order dated 25.02.2020 passed in CRM-M-1001-2020 whereby the main accused has been granted regular bail. Even in this order (Annexure P-2) the DNA report did not match with the petitioners.

Learned counsel for the State on instructions from ASI Avtar Singh, submits that out of 19 witnesses, three witnesses were examined and four witnesses have already given up. He is also not disputing the regular bail granted to the main accused vide order dated 25.02.2020 (Annexure P-2). He has emailed custody certificate dated 07.09.2020 and the same is

taken on record. As per this custody certificate, the petitioner is in custody for 2 years, 1 month and 18 days and there is no other case pending against him.

Keeping in view the fact that the main accused has been granted regular bail, role attributed to the petitioner and 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.

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