

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

220

**CRM-M-26373-2020
Date of decision: 27.10.2020**

Sharanjeet Singh @ Sharne

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

Mr. M.S. Nagra, Asstt. A.G., Punjab
for respondent No.1-State.

None for respondent No.2/prosecutrix.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.63 dated 13.06.2020 registered under Sections 376, 323 and 506 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Phool, District Bathinda.

The above said FIR was registered on statement of the prosecutrix who alleged that on 12.06.2020 at about 08:30 P.M., she went with accused Sharanjeet Singh (the petitioner) for outing and he made physical relations with her forcibly despite her refusal against her wishes by throwing her on the floor by threatening to kill her.

The petitioner, who is in custody since the date of his arrest, has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel in terms of short reply filed by way of affidavit of Jasvir Singh, PPS, Deputy Superintendent of Police, Sub-Division Phul, District Bathinda.

Vide order dated 10.09.2020 passed by this Court the prosecutrix was impleaded as respondent No.2 and was duly served for today but none has appeared for the prosecutrix.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The petitioner was having friendship with the prosecutrix and the prosecutrix accompanied the petitioner with her own free will. The prosecutrix refused to make any statement under Section 164 of the Cr.P.C. against him and also stated at that time that her family members were pressurizing her to make statement against the petitioner but she did not want to make any statement as she and the petitioner were both at fault. The petitioner cannot be said to have committed any offence. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has submitted that in view of nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case,

nature of accusation against the petitioner, averments made in statement of the prosecutrix under Section 164 of the Cr.P.C. and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without commenting on the merits of the case as the same may prejudice either of the parties, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

27.10.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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