

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

CRM-M-28458-2020(O&M)

Date of decision: 23.09.2020

Ram Bharose

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Saurabh Kapoor, Advocate for the petitioner

Mr. N.K.Banka, DAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

The petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.45, dated 1.4.2018, registered under Section 346 IPC and lateron added Section 363, 366-A, 376 IPC and Section 3 and 4 of POSCO Act, at Police Station City Raikot, Ludhiana

In a nutshell, the case of the prosecution is that Gopal and his wife, called the prosecutrix to their residence on 22.03.2018 and offered her some sweets to eat. She fainted. Thereafter Aman, a co-accused took her to Ludhiana Railway Station, from where they together went to Meerut. Aman took her to his home and informed the family members that they have performed marriage. Aman used to beat her. Thereafter, Aman left her with his friend namely Ram Bharose (the petitioner herein), who also assaulted her. The prosecutrix on getting an opportunity, ran away and reached the house of her uncle, at Village Gharoli, Uttar Pradesh.

The petitioner is in custody for a period of 7 months and 28 days. Learned counsel for the petitioner has drawn the attention of the

Court to the apparent contradiction between the statements of the prosecutrix and her uncle. He further points out that the conclusion of trial is likely to take some time and Gopal, a co-accused has already been granted the concession of bail by this Court vide order dated 15.6.2020, passed in CRM-M-13624-2020.

Learned State counsel has opposed the prayer on the ground that the petitioner is involved in a heinous crime.

It has come in the statement that the prosecutrix remained in the company of Aman and the petitioner-Ram Bharose, for a period of five months.

Sh. N.K.Banka, learned State counsel on instructions from SI Nazar Singh, has submitted that the petitioner does not have any criminal antecedents. On conclusion of the investigation, the police report under Section 173 Cr.P.C, has been filed, however, charges have not been framed. The conclusion of the trial is likely to take some time.

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

Accordingly, the present petition is allowed.

23.09.2020
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No