

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 216

CRM-M-35402-2020 (O&M)

Date of decision : 16.11.2020

Lachman Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.K.S.Sidhu, Advocate, for the petitioner.
 Mr.H.S.Sitta, AAG, Punjab.
 Mr.G.L.Bajaj, Advocate, for the complainant.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.177 dated 10.12.2019, registered under Sections 363, 366 and 376 IPC at Police Station Sadar Kotkapura, district Faridkot.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated in the present case; he is in custody since 27.12.2019; there is no other criminal case in which he is involved; in fact the petitioner and the prosecutrix were having an affair and thus their relationship was consensual; only under pressure the prosecutrix has got lodged the present FIR against the petitioner; there is no medical evidence to support the version of the prosecution as no injury has been found on the person of the prosecutrix; the petitioner and the prosecutrix remained together for over 40 days without any complaint by her; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation and that the trial which is yet to commence will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he has kidnapped and raped the prosecutrix.

Whether the petitioner and the prosecutrix were having an affair; the effect of the prosecutrix having remained in the company of the petitioner for over 40 days and medical evidence with regard to no injury on the prosecutrix would be debated during the course of the trial.

However, the petitioner has already been in custody for the last nearly eleven months; he is not involved in any other criminal case; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation and the trial which is yet to commence is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Faridkot the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

16.11.2020
shamsher

[DEEPAK SIBAL]
JUDGE

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