

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 211

CRM-M-35665-2020 (O&M)

Date of decision : 12.11.2020

Kuldeep Singh @ Yakub

..... 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.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.2

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.244 dated 04.12.2019, registered under Sections 376 and 457 IPC at Police Station City-I, Abohar, District Fazilka.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated in the present case; in fact the petitioner and the prosecutrix were having an affair and when the prosecutrix was caught by her husband she involved the petitioner in the present case: he has been in custody since 27.02.2020; he is not involved in any other criminal case; the version given by the prosecutrix that the petitioner and one Bunty raped her has been found to be false by the police as after investigation Bunty has been found innocent; 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 in which there are 21 prosecution witnesses will take a long time to conclude.

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

Whether the petitioner was having an affair with the prosecutrix would be debated during the course of the trial; he has already suffered incarceration for nearly nine months; he is not involved in any other criminal case; the version given by the prosecutrix that the petitioner and one Bunty raped her has been found to be false by the investigating agency as Bunty has been found innocent; the 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, Fazilka 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.

12.11.2020
shamsher

[DEEPAK SIBAL]
JUDGE

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