

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54755-2019

Date of Decision:09.01.2020

Jagjeet Singh @ Jaggi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Jagdish Singh Mahal, Advocate,
for the petitioner.

Ms. Ruchika Sabharwal, A.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.0018 dated 26.03.2019 under Sections 363, 366, 376 IPC, registered at Police Station Kahnuwan, District Gurdaspur.

The aforesaid FIR was registered at the behest of the prosecutrix, aged about 30 years. As per FIR, prosecutrix is a married lady, whose marriage was solemnized with Satnam Singh on 18.09.2017 and there are two children out of this wedlock. On 12.03.2019 the complainant was present in her house, it was about 1.30 PM, when the petitioner and his father Paramjit Singh have come to her. They asked her that they have come for some work at Qadian and asked prosecutrix to accompany them. Since the accused were on visiting terms with each other and their families,

the prosecutrix believed it and after leaving her children at home, she sat in

their car. Petitioner and his father(co-accused) took her to the railway station. They took her in the train after giving some intoxicant. Whereas, the father of the petitioner left the railway station after taking the car, the petitioner continued to sit in the train. Meanwhile, the prosecutrix became unconscious and when she gained unconsciousness, she found herself in Mumbai railway station.

Learned counsel for the petitioner has argued that as per FIR, the prosecutrix continuously stayed with the petitioner from 12.03.2019 to 21.03.2019 and during this period she had never reported the matter to the police or to any other person and the present FIR was registered on 26.03.2019. At the most, petitioner and the prosecutrix were in some consensual relationship and therefore, the allegation of commission of rape is not made out. Petitioner has surrendered before the court on 25.11.2019 and has been sent to judicial custody on 09.12.2019. Since then he is in custody.

Learned State Counsel, on instructions from SI Major Singh, does not dispute the custody period. However, she submits that challan has been presented in the case and charges have been framed in the case, however, report of the chemical examiner is awaited.

Heard learned counsel for the parties.

There is no dispute that the petitioner has surrendered before the court on 25.11.2019 and has been sent to judicial custody on 09.12.2019.. The medical report as regards the medical examination of the prosecutrix is yet to be received. Thereafter, the opinion as regards commission of rape is to be formed after the receipt of chemical report.

Considering the fact that trial in the case is not likely to be concluded in the

near future as no PW has been examined so far, this Court deems at appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case. The trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

January 09, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No