

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-709-2021

Date of Decision: 12.01.2021

Surinderpal Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Sumeet Puri, Advocate,
for the petitioner.

Mr. Luvinder Sofat, Assistant Advocate General, Punjab,
for the respondent.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the petitioner in FIR No.152 dated 05.10.2020, under Sections 354, 354-A, 354-B, 342, 323, 506, 509 and 34 of the Indian Penal Code, registered at Police Station Longowal, District Sangrur.

As per the FIR, the complainant had made a statement that her marriage took place at about 17 years ago with one Jagsir Singh and she has two children, one is of 16 years of age and another is of 11 years of age and she knows the petitioner for about two years. It is further stated in the FIR that the petitioner called her at his home at 2 o'clock at Longowal and during this he did not misbehave with her but at around 5:00 PM in the evening, two unknown persons of Bihar origin came there and started developing physical relations with her to which she refused but they stripped off her

apparels and pretended to shoot her video. The petitioner also tried to strip her clothes and also insulted her and then she run away.

The learned counsel for the petitioner has submitted that the version which came in the FIR itself seems to be highly improbable and even otherwise also, so far as the petitioner is concerned, it is stated in the FIR that he only tried to strip off the complainant's clothes and so far as other two persons are concerned, they had allegedly developed physical relations with her. The learned counsel for the petitioner has further submitted that the other two persons have already been admitted to bail. The learned counsel for the petitioner has further submitted that the complainant in her statement recorded under Section 164 Cr.P.C, has also stated that she had committed intercourse with the petitioner with her own consent and when the other two persons came and tried to commit intercourse with her against her wishes, she managed to escape. The learned counsel for the petitioner has further submitted that on the face of it, no offence is made out in the present case. He has further submitted that the petitioner is in custody since 06.10.2020 and the investigation of the case is already complete and the challan stands presented on 24.11.2020 and it is a case where no recovery is to be effected from anybody. The learned counsel for the petitioner has further submitted that there is no MLR in the present case to substantiate the version of the complainant and therefore, prayed for the grant of regular bail to the petitioner.

On the other hand, the learned counsel for the State has submitted that it is correct that the challan has already been presented in the present case and the investigation is already complete and in this case, no

recovery is to be effected. Furthermore, the other two main accused are already enlarged on bail. However, the State counsel has opposed the grant of bail on the ground that the matter is of serious in nature.

I have heard the learned counsel for the parties.

It is not in dispute that the investigation of the present case is already complete and the challan stands presented on 24.11.2020 and it is not the case where recovery is to be made from the petitioner. Furthermore, the other two main accused have already been granted bail. The argument raised by the learned counsel for the petitioner that the complainant has deposed under Section 164 Cr.P.C that she had developed physical relations with the petitioner with her own consent would also carry some weight. Furthermore, it has also come on record that no medical examination has been conducted in the present case.

Therefore, considering the totality of the facts and circumstances of the present case, I deem it fit and proper to admit the petitioner on bail. Consequently, the present petition is allowed. The petitioner shall be admitted to regular bail on his furnishing bail/surety bonds subject to the satisfaction of the learned trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

12.01.2021
adhikari

Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No