

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-1210 of 2021 (O&M)
DATE OF DECISION:13.09.2021

Gurbinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Karandeep S. Sidhu, Advocate
for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General,
Punjab for the respondent-State.

HARSIMRAN SINGH SETHI, J. (ORAL)

CRM No.26361 of 2021

Application is allowed.

Documents are taken on record.

CRM No.27491 of 2021

As prayed for, application is dismissed as withdrawn.

CRM No.M-1210 of 2021

Custody certificate of the petitioner has been filed by the learned State counsel and the same is taken on record.

Present Petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.152 dated 11.12.2015 registered under Sections 376 IPC and later on added Section 174-A IPC at Police Station Kot Ise Khan, District Moga.

Learned counsel for the petitioner argues that the petitioner is behind the bars for the last more than two years and the complainant is not getting her testimony recorded on one pretext or the other despite grant of

various opportunities. Learned counsel further argues that in order to keep the petitioner behind the bars, after examination-in-chief, application has been filed under Section 319 Cr.P.C. so that the testimony of the prosecutrix could be deferred further.

Learned counsel submits that in the present case, the allegation which has been alleged against the petitioner is that the prosecutrix was raped by the petitioner on the pretext of marriage, which allegation is yet to be proved.

Learned counsel for the State on instructions from ASI Satnam Singh concedes that the petitioner is behind the bars for the last 02 years and 23 days. Learned counsel also concedes that number of opportunities have been availed by the prosecutrix to get her statement recorded but only examination-in-chief has been conducted after which, the testimony was deferred keeping in view the application filed under Section 319 Cr.P.C.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances of the case that the petitioner is behind the bars for the last more than two years; examination-in-chief of the prosecutrix has already been conducted; the testimony has only been deferred for the cross-examination and the allegations against the petitioner are yet to be proved, no useful purpose would be served in keeping the petitioner behind the bars especially when the petitioner has undertaken before this Court not to influence trial/witnesses in any manner.

Keeping in view the above, the petitioner has made out the case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

September 13, 2021
jt

(HARSIMRAN SINGH SETHI)
JUDGE

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