

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Through video conferencing)**

CRM-M-2384-2021

Date of Decision : 29.01.2021

Manmohan Yadav

....Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Vipul Babuta, Advocate
for the petitioner.

Mr. H.S.Multani, AAG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.66 dated 08.04.2016 under Sections 376 IPC (Section 376-D IPC and Section 4 of POCSO Act 2012 added later on) registered at Police Station Shimlapuri District Ludhiana.

Learned counsel for the petitioner contends that the petitioner has been arrayed as an accused on the basis of supplementary statement (Annexure P2) of the prosecutrix which was recorded after two months of the alleged occurrence wherein she levelled allegations of rape against four persons including the petitioner. The learned counsel contends that the supplementary statement is at complete variance with the first statement inasmuch as in the first statement the complainant had levelled allegations only against one Lalan Shah and not against the petitioner. Not only this, the medical examination which was conducted soon after the occurrence in question did not support the factum of the prosecutrix having been raped by as many as four persons as no injury marks were found on the person of the victim.

Learned State counsel, on instructions from ASI Dilbagh Singh, while opposing the prayer made by the learned counsel for the petitioner contends

that there are serious allegations levelled against the petitioner of violating the person of the victim coupled with the fact that the petitioner had absconded and was declared a Proclaimed Offender and was arrested as recently as on 19.09.2020. However, the learned State counsel has conceded on instructions that it was only in the supplementary statement recorded after almost 2-1/2 months of the alleged occurrence that the allegations of gang rape were made for the first time by the complainant and the name of the petitioner had cropped up. The learned State counsel has further apprised this Court that the case is fixed for 10.02.2021 for framing of charges.

Heard.

In view of the submissions made by the learned counsel and keeping in view that the petitioner has been in custody since 19.09.2020, no useful purpose would be served by keeping the petitioner behind bars as the trial is unlikely to conclude in the near future. I deem it a fit case to grant the concession of regular bail. The petition is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that any observation made herein above shall not be construed as an expression of opinion on the merits of the case.

29.01.2021
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes / No
Yes / No