

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M No.3481 of 2021 (O&M)

Date of Decision:02.07.2021

(Heard through VC)

Kulwinder Singh @ Jagga

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. D.S. Pheruman, Advocate
for the petitioner.

Mr. Amandeep Gill, Sr. DAG, Punjab.

Mr. B.S. Bhalla, Advocate
for the complainant.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioners in FIR No.203 dated 08.10.2020 registered under Sections 376-D and 328 IPC at Police Station Mohkampura, District Amritsar.

Learned counsel for the petitioner herein would contend that the petitioner has been implicated falsely in the said FIR, while contending that the petitioner was nowhere present at the scene of alleged offence. The tower location of the mobile phone of the petitioner clearly reflect that he was present in his village, which is about 35 kms away and even the CCTV footage shows that the petitioner was present in his village at that point of time. It is argued that FSL report available does not support the allegations of offence of rape. Apart from that, it is also argued that the challan stands presented and the matter has been compromised between the

parties, therefore, likelihood of petitioner's influencing the complainant would not arise.

Learned counsel for the respondent-State opposes grant of bail to the petitioner by contending that the allegations levelled against him are serious in nature, however, he does not dispute the fact that the matter has been investigated and the challan stands presented.

Learned counsel appearing on behalf of the complainant admits to the factum of compromise and would submit that the complainant would have no objection in case regular bail is granted to the petitioner.

I have heard learned counsel for the parties. Keeping in view the fact that the matter has been compromised between the parties and the challan stands presented and the fact that the trial is likely to take some time to conclude owing to present COVID-19 pandemic situation, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

July 02, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No