IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3166-2021

DATE OF DECISION: FEBRUARY 8, 2021

HARPREET SINGH @ RANJIT SINGH @ HAPPY ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. M.S. BAJWA, ADVOCATE FOR THE PETITIONER.
MR. SANDEEP SINGH DEOL, DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.0072 dated 8.5.2019, under Section 376, 342, 506 IPC, Police Station Maqboolpura, District Police Commissionerate, Amritsar. The petitioner is in custody since his arrest on 11.5.2019.

The FIR was registered on the statement of the prosecutrix on dated 8.5.2019 who alleged that she was running a boutique in village Walha. Mandeep Kaur wife of Harpreet Singh @ Happy used to visit her shop for stitching of clothes and in this connection, the prosecutrix also used to visit her house. Mandeep Kaur and her husband became familiar to her and around two months back when she hosted a Langar at her home, she was invited. On the said invitation, the prosecutrix visited her house and there, Hapreet Singh took his photographs with her and started blackmailing her. She also apprised her husband, who had a talk with Harpreet Singh and they both decided to meet one day and close the matter. On 7.5.2019 at about

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12.00 noon, when the prosecutrix was waiting for an auto to return to her home, Harpreet Singh came on a motorcycle and asked her to come alongwith him for handing over her photographs and said that his wife is also closeby. On his asking, she sat on the motorcycle, but he took her to Sohal Hotel and asked her that his wife is sitting in the room. On reaching the room, when she didn't find his wife and asked about her, Harpreet Singh pushed her to bed and raped her and threatened that if she opened her mouth, he would kill her husband. On these broad allegations, the aforesaid FIR was registered.

Learned counsel for the petitioner contends that the alleged occurrence took place on 7.5.2019 and the FIR was lodged after a delay of one day on 8.5.2019. According to him, the victim was already married and has two children and the alleged place of occurrence or the other material do not contain the scientific evidence of the alleged offence. He has further pointed out that the complainant was previously known to the family of the petitioner and as per her own allegations, she used to visit the house of the petitioner. He has pointed out that the material witnesses, i.e. the complainant and the Doctor have already been examined in November, 2019 and therefore, the petitioner be released on regular bail as the trial is likely to consume considerable time to conclude.

On the other hand, learned State counsel assisted by ASI Shiv Kumar has opposed the aforesaid prayer on the ground that the offence is serious. He has argued that the prosecutrix has supported her case while testifying before the trial Court as PW1. He submits that out of 18 prosecution witnesses, 10 have been examined so far, but because of

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pandemic COVID-19, examination of witnesses came to a halt.

Considering the above background, the custody of the petitioner and the fact that material witnesses have already been examined by the prosecution, whereas the remaining witnesses are the police officials, therefore, there does not seem any possibility of their being won-over. As the petitioner is presently confined in judicial custody since 11.5.2019 and is not required for any useful purpose, therefore, his further detention may not be necessary.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

February 8, 2021 **(MANOJ BAJAJ)**
Gulati **JUDGE**

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No

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