

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-4895-2021

DATE OF DECISION: February 8, 2021

JASWINDER SINGH @ CHHINDRI ...PETITIONER

VERSUS

STATE OF HARYANA ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. AJAY ARORA, ADVOCATE FOR THE PETITIONER.
KANWAR SANJIV KUMAR, AAG, HARYANA.

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.312 dated 13.7.2020, under Section 354/376/511/34 IPC and Section 3 SC/ST Act, Police Station Rania. The petitioner is in custody since his arrest on 18.8.2020.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Fast Track Special Court, Sirsa, in his order dated 6.1.2021, are as under:-

“Briefly stated the case of the prosecution is that the prosecutrix is the complainant, who was about 35 years old at the time of occurrence. She is a cook and used to work in the organized programs. On 11.07.2020 at about 3.30 PM, one Pamma son of Boota Singh telephonically asked her to attend a program at village Dudianwali. Accordingly, she reached at bus stand of village Nakora around 6.00 PM wherefrom Pamma took her at a Dhaba situated along side road of Dudianwali. Pamma asked her to wait for a while as other team members were to

reach there. Petitioner-accused was the owner of that Dhaba, who came there alongwith another person. Two other persons were also already present in the Dhaba. All those persons started drinking liquor. Consequently, prosecutrix asked Pamma to drop her at her house otherwise she will leave the place on her own after calling her son. When Pamma heard these words, he closed the shutter of Dhaba and thereafter laid her on a bed. Whereas, petitioner-accused pressed her mouth when she tried to raise alarm. Another person threatened her to kill with a datar, which was lying nearby, if she did not accede to the demand of Pamma and petitioner. The petitioner further tried to commit rape upon her. However, when she asked him for going to bathroom, then he left her. Accordingly, the prosecutrix managed to escape from the place of occurrence. The prosecutrix approached to the person sleeping at a nearby Dhaba and apprised him about her plights. Accordingly, her father-in-law was telephonically informed and was called there and other persons sleeping in the vicinity of the place of occurrence also woke up. Hence the FIR.”

Learned counsel for the petitioner contends that the occurrence is stated to be of 11.7.2020, whereas the present FIR has been registered after a delay of two days, i.e. on 13.7.2020. He further contends that the version given by the prosecutrix is highly improbable which amounts to attempt to rape and the investigation of the case is also complete, therefore, further custody of the petitioner may not be necessary. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by ASI

Kiranpal Kaur has opposed the aforesaid prayer on the ground that the

petitioner has tried to outrage the modesty of the victim. However, it is not disputed that the investigation of the case is complete.

Considering the above background, custody of the petitioner, this Court finds that the investigation of the case is complete, but the trial may take considerable time to conclude, therefore, further custody of the petitioner may not be justified. The petitioner is presently confined in judicial custody since 18.8.2020 and is not required for any useful purpose.

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
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No