

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

CRM-M-4025-2021

Date of Decision: 19.08.2021

KULWINDER SINGH @ KINDU @ FILMI*Petitioner*

V/s.

STATE OF PUNJAB*Respondent*

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. Raj Kumar Arya, Advocate,
for the petitioner.

Mr. Luvinder Sofat, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in a case FIR No.0064, dated 01.10.2018 lodged under Section 376 of the Indian Penal Code, 1860, Section 4 and 6 of the POCSO Act, 2012 and under Section 3 of the SC and ST Act, 1989 registered at Police Station Dorangla, District Gurdaspur, Punjab.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner who has been in custody since 13.03.2020 has been falsely implicated in the instant case. He has further submitted that there is no likelihood of the trial concluding in the near future as only one out of 10 prosecution witnesses cited has been examined so far. He submits that an unbelievable story has been put forth by the prosecution against the petitioner of having been an active participant in the rape of the complainant which was allegedly committed upon her while she had gone to her fields to answer the call of nature. He submits that in fact the prosecutrix with an ulterior motive had implicated the petitioner in the case

in hand as it had come to his notice that she was in a relationship with some boy and being scared that he would reveal the said fact to her parents, she fabricated this story.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the learned counsel for the petitioner. He on instructions from ASI Charanjit Singh has apprised the Court that the complainant has reiterated the allegations in the statement made under Section 164 Cr.P.C. and the testimony which was recorded before the trial Court when she stepped into the witness box as PW-1. He has also apprised the Court that the antecedents of the petitioner does not entitle him to the concession of bail as he had absconded earlier and remained a Proclaimed Offender for almost six months i.e. w.e.f. 17.09.2019 to 13.03.2020.

Heard.

Prima facie, there are serious allegations leveled against the petitioner in the FIR in question. In view thereof, the petition stands dismissed.

However, learned counsel for the petitioner has made a prayer to direct the learned Court below for expeditious conclusion of the trial as the petitioner has been in custody since 13.03.2020.

In the circumstances and keeping in view the long custody of the petitioner, the trial Court is directed to expedite the trial and conclude the same preferably within 8 months from today.

August 19, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

<i>Whether speaking / reasoned</i>	:	<i>Yes /No.</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>