

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

**CRM-M-10343 of 2021**

**DECIDED ON: 12<sup>th</sup> MARCH, 2021**

**Vijay Gupta**

**.....PETITIONER**

**VERSUS**

**State of Punjab**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.**

Present: Mr. K.L. Saini, Advocate for petitioner.

Mr. Ramandeep Sandhu, Sr. DAG Punjab.

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**AVNEESH JHINGAN, J (ORAL)**

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition is filed for grant of regular bail in case of FIR No. 38, dated 2.5.2020 under Section 376-D read with Section 34 IPC registered at Police Station Ferozeopur Cantt, District Ferozepur (Punjab).

The prosecutrix alleged that on 1<sup>st</sup> May, 2020 at about midnight, the accused entered her room in Arya Samaj Mandir and committed wrong act. She went to the room of Pandit Ji but there was no reply. It was stated that one person working as Chowkidar in Truck union helped her. On the basis of statement, the FIR was registered.

Learned counsel for the petitioner submits that the allegations are vague and the story put forth is not probable. He relies upon the statement of victim recorded under Section 164 Cr.P.C. to submit that only sir name was mentioned and the petitioner has not been named. The submission is that there is variation in the statement recorded before the Magistrate and the version in the FIR. He relies upon the statement of witnesses recorded under Section 161 Cr.P.C. The argument is that it is a case of false implication. The complainant is a retired Sub Inspector from GRP.

Learned State counsel opposes the prayer and submits that the trial is in progress and prosecution witnesses are being examined.

Considering that the conclusion of trial is likely to take time; no recovery is to be made from the petitioner; no useful purpose would be served by depriving the petitioner of his personal liberty and also considering the custody period, petitioner is granted bail on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

12<sup>th</sup> MARCH, 2021  
*reema*

(AVNEESH JHINGAN)  
JUDGE

|                                  |            |
|----------------------------------|------------|
| <i>Whether speaking/reasoned</i> | <i>Yes</i> |
| <i>Whether reportable</i>        | <i>No</i>  |