
Pawan Kumar v. State of Punjab

Present: Mr. Dheeraj Mahajan, Advocate,
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab

Case heard via video conferencing.

By this petition, the petitioner seeks the concession of regular bail under the provisions of Section 439 of the Cr.P.C., upon FIR no.373, dated 13.12.2020, having been registered at Police Station Derabassi, District SAS Nagar, alleging therein the commission of offences punishable under Sections 376 and 120-B of the IPC.

Learned counsel for the petitioner submits that the petitioner is the father of the prime accused who is alleged to have actually committed rape upon the prosecutrix (the prosecutrix being 19 years of age), with a child also stated to have been born of the said liason.

He further submits that the wife of the petitioner (from whom he is contended to have been estranged), has already been admitted to anticipatory bail by this court vide an order passed on 15.03.2021, in CRM-M-11697 of 2021, with the next date of hearing in that case being 21.05.2021.

He therefore submits that the petitioner having been in custody for more than 4 months and there being no allegation directly against him and the report under Section 173 (2) of the Cr.P.C. having been already submitted to the competent court, he deserves to be admitted to bail.

Learned State counsel on the other hand submits that the allegation against the petitioner being that he did not support the prosecutrix against his

son despite the matter (of rape) having been reported to him and his wife, the petitioner does not deserve to be admitted to bail.

Having considered the matter, in view of the fact that the prime allegation is against the son of the petitioner, also looking at the period of custody and the fact that the *challan* has been submitted, without making any comment on the actual merits of the case, the petition is allowed and the petitioner is ordered to be admitted to bail to the satisfaction of the trial court/Area Magistrate.

April 20, 2021
dinesh

(AMOL RATTAN SINGH)
JUDGE