

CRM-M-17979-2021

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

CRM-M-17979-2021

Date of decision: 13.07.2021

Lovepreet Singh @ Labha

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Harinder Pal Singh Ishar, Advocate,
for the petitioner.

Mr. H.S.Sitta, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.107 dated 07.08.2019, registered at Police Station Mukerian, District Hoshiarpur, under Sections 376 and 376-D (added later on) of the Indian Penal Code.

Learned counsel for the petitioner contends that the alleged occurrence took place on 21.05.2019, whereas the above-noted FIR was registered on 07.08.2019 i.e. after a delay of about 74 days. It is also argued that the prosecutrix is a 27-year old married lady having two children; that her husband has been residing in Italy for the last 5-6 year and that the petitioner is also related to her. It is also argued that the prosecutrix, while appearing in the witness-box as PW 1, stated that she got recorded her statement before the police of Police Station Mukerian that on

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21.05.2019, she had left her matrimonial home of her own and had returned to her matrimonial home and thus, the allegation regarding her confinement for 15 days at Srinagar is not believable. The petitioner has been in custody since 23.08.2019. Co-accused Akash @ Akashdeep stands granted the benefit of regular bail by a Coordinate Bench of this Court, vide order dated 14.10.2019 passed in CRM-M-42334-2019. On this premise, learned counsel prays that the petitioner be released on bail.

On the other hand, learned State counsel opposes the prayer made in the present petition and submits that there are allegations that the petitioner had offered juice mixed with some sedative, to the prosecutrix and upon drinking the same, she fell semi-conscious; that the petitioner had taken her on a motor-cycle to an abandoned place and defiled her against her wishes and co-accused, Akash alias Akashdeep had videographed the occurrence; that by advancing threats, she had been taken to Srinagar, where the petitioner had kept her at difference places and also committed rape upon her many times. Such acts were done by the petitioner by taking the benefit of the absence of her husband and she was illegally kept confined at the said place, from 21.05.2019 to 04.06.2019. He also submits that out of 14 prosecution witnesses, 04 witnesses have been examined.

I have heard the learned counsel for the parties.

The fact remains that co-accused, Akash alias Akashdeep stands enlarged on bail by the Coordinate Bench of this Court, as noticed above. The petitioner has been in custody since 23.08.2019. However, out of 14 prosecution witnesses, 04 witnesses, including the prosecutrix, have

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already been examined. Trial of the case would take time to conclude, especially due to Covid-19. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

13.07.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No