

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20696-2021(O&M)

Date of decision: 07.06.2021

Gurpreet Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Lal Singh Sandhu, Advocate, for the petitioner

Ms. Kirti Singh, DAG, Haryana

ANIL KSHETARPAL, J.

1. The petitioner prays for grant of bail pending trial under Section 439 Cr.P.C in a criminal case arising from FIR No.11 dated 06.03.2020 registered under Section 341, 354, 354-A, 354-D, 376(2) (n), 377, 506 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Women Dabwali, District Sirsa.

2. The petitioner is in custody since 06.03.2020. As per the case of the prosecution, the prosecutrix and the petitioner are neighbours. It is alleged that on 13.03.2015, when the prosecutrix went to the house of the petitioner to fetch buttermilk, he forcibly raped her. She did not narrate the incident to anyone. After one month of the aforesaid first incident, she again went to the petitioner's house at 10:00 am for fetching the buttermilk and he again forcibly made physical

relations with her. Thereafter, they are having physical contact off and on. It is also alleged that they were having all possible forms of sex. It is alleged that the petitioner had promised to marry her. Thereafter, he also got prepared the alleged video of their physical relationship and started blackmailing her.

3. Heard learned counsel for the parties and with their able assistance perused the paper book. The FIR in question was registered on 06.03.2020 i.e after a period of approximately five years from the date of alleged first incident. The prosecutrix did not support the case of the prosecution when she appeared in the court. The petitioner has already suffered incarceration for a period of more than one year and three months. No doubt, learned State counsel has submitted that there is some forensic evidence to prove the offence, however, the conclusion of the trial is likely to take some time.

4. Without commenting upon the merits of the case and keeping in view the statement of the prosecutrix and the period of the petitioner's incarceration, it is directed that the petitioner shall be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial court/Duty Magistrate.

5. Accordingly, the present petition is allowed.

07.06.2021

rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No