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

**CRM No.37775 of 2021 in/and
CRM-M No.26018 of 2021
Date of Decision: 11.11.2021**

Gagandeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ravi Malhotra, Advocate
for the applicant-petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

MANJARI NEHRU KAUL J. (Oral)

CRM No.37775 of 2021

Prayer in this application is for placing on record Annexures
P-4 to P-7.

For the reasons mentioned in the application, the same is
allowed and the Annexures P-4 to P-7 are taken on record.

CRM-M No.26018 of 2021

This is the first petition filed under Section 439 Cr.P.C. for
grant of regular bail to the petitioner in case FIR No.221 dated 29.12.2020
lodged under Sections 363 and 366 of IPC, 1860 and Sections 376 and
506 of IPC added later on, registered at Police Station Koom Kalan,
District Ludhiana.

In compliance of the order of this Court dated 03.11.2021, status report by way of affidavit of Simranjit Singh, PPS, Assistant Commissioner of Police, Industrial Area-I, Ludhiana on behalf of the respondent-State has been filed today in the Court, and the same is taken on the record.

Learned counsel for the petitioner submits that the petitioner, who has been in custody since 08.01.2021, has been falsely implicated in a case in hand. He submits that the sequence of events subsequent to the date, i.e. 28.12.2020, when the prosecutrix, aged 18½ years, went missing from her home at village Lakhawal make it apparent that the relations between the petitioner and the prosecutrix were consensual in nature and it was for reasons but obvious under the pressure of her family, the prosecutrix in her statement recorded under Section 164 Cr.P.C. had levelled false allegations against the petitioner. He further submitted that the prosecutrix was allegedly recovered on 08.01.2021 and the statement under Section 164 Cr.P.C. recorded on 19.01.2021, which lent credence to the prosecutrix being pressurized to level false allegations against the petitioner.

Learned counsel for the petitioner further submitted while inviting attention of this Court to both her statement under Section 164 Cr.P.C. as well as her deposition before the trial Court annexed as Annexure P-6, that as per the admitted case of the prosecutrix, the petitioner had taken her away on a motorcycle and then travelled to various places, and also stayed in various hotels but strangely not even once, did the prosecutrix raise any hue and cry with respect to her

abduction much less the alleged rape committed upon her by the petitioner.

Learned counsel has prayed that since 05 prosecution witnesses including the material witnesses, out of the 21 witnesses cited, stand examined, his further incarceration would serve no useful purpose, as the trial is unlikely to conclude in the near future.

Per contra, learned counsel for the State, on instructions from SI Harmeet Singh, while opposing the prayer has apprised the Court that the prosecutrix has reiterated her allegations levelled against the petitioner in her statement recorded under Section 164 Cr.P.C. while stepping into the witness box as PW-1. Learned State counsel has however not been able to dispute that the statement of the prosecutrix under Section 164 Cr.P.C. was recorded after 11 days of her alleged recovery on 08.01.2021.

I have heard learned counsel for the parties and perused the material on record.

In view of the facts and circumstances as enumerated hereinabove and without commenting upon the merits of this case, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 11, 2021

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**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No