

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-24263 of 2020
Date of Decision: 27.01.2021

Ram Narayan Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Naveen Sharma, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing

By this petition, the petitioner seeks the concession of 'regular bail' filed under Section 439 of the Cr.P.C., upon FIR no.33, dated 11.02.2020, having been registered at Police Station Koom Kalan, District Ludhiana, alleging therein the commission of offences punishable under Sections 376-D and 120-B of the IPC.

On January 15, 2021, the following order had been passed by this court, reproducing the order earlier passed on January 08, 2021:-

“Case heard by video conference.

After reproducing the order dated 16.12.2020, on January 08, 2021, the following order had been passed:-

“The order obviously was passed only for the purposes of this petition by which the petitioner seeks to be admitted to

bail, with neither that order (or this one), nor even the statement of the prosecutrix before the learned Magistrate, to have any bearing on the trial itself, which would proceed wholly and completely only on the basis of the evidence led before the trial court. Though the report of the learned JMIC, Ludhiana, dated 23.01.2020, has been received, stating therein that the complainant/prosecutrix suffered a statement before that court that she has entered into a compromise with the petitioner and does not want to pursue the complaint further, learned State counsel points out from the petition itself that in fact qua a co-accused by the name of Mohd. Malik, an application to discharge him was moved by the prosecution itself before the trial court and on that application being moved, the complainant/prosecutrix had suffered a statement to the effect that she had no objection if the said accused was discharged.

Learned State counsel expresses her apprehension with regard to whether the prosecution is actually conducting the case in a fair manner or not.

Consequently, adjourned to 15.01.2021, to enable her to study the matter thoroughly and thereafter to address arguments on the issue.”

Today learned State counsel is unable to address arguments in terms of the said contention raised by the previous State counsel. Adjourned to 27.01.2021.

If arguments in terms of what was contended by learned State counsel on the last date of hearing are not addressed on the next date on behalf of the State, it would be presumed that the State is not disputing that the compromise between the parties is genuine.”

Today learned State counsel points to the affidavit filed by the ACP (Industrial Area-A), Ludhiana, wherein, in paragraph 2, it is stated that as per the forensic examination report dated 02.11.2020, it was concluded that the human

semen present on vaginal swabs and slides of the prosecutrix, did not belong to Ram Narayan Singh, i.e. the petitioner.

He next submits that in view of the above and the fact that the matter is stated to have been compromised between the parties, it would be the discretion of the court as to whether the petitioner should be admitted to bail or not.

That being so, and with the petitioner having been in custody for the past 11 months, without making any comment on the actual merits of the case, the petition is allowed, with the petitioner ordered to be admitted to bail to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

January, 27, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No