

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(Through Video Conferencing)**

CRM-M-24322-2020

Date of Decision: 15.01.2021

BHOLA SINGH

.....Petitioner

V/s.

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. Jasmail Singh Brar, Advocate,
for the petitioner.

Mr. H.S.Sitta, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1908 for grant of regular bail to the petitioner in case FIR No.0085 dated 22.05.2020 registered under Sections 452, 376 and 324 of the Indian Penal Code, 1973 at Police Station Sadar Sri Muktsar Sahib, Punjab.

Learned counsel for the petitioner contends that the petitioner is a mason who had been engaged by the complainant and her family to construct a room in their house @ ₹800/- per day. However, on completion of work when the petitioner demanded his payment, the complainant and her family refused to pay the entire amount which led to a scuffle between the petitioner and complainant's family wherein the petitioner received the following injuries:-

- (i) I.W 3x0.3 CM over left forearm posterior lateral aspect, middle 1/3 sharp margins. S/C tissue deep fresh bleeding present.
- (ii) I.W 2x0.5 CM in between proximal end of middle and ring finger S/C tissue deep extending from palmar aspect to dorsal of right hand. Fresh bleeding present. Adv. X-Ray Right hand.

- (iii) Abrasion 3x2 CM over right side face zygomatic area. Red in color.

It has been further contended that in view of the aforesaid injuries inflicted upon the petitioner, he was treated at Civil Hospital, Sri Muktsar Sahib. In support, learned counsel for the petitioner has invited the attention of the Medico Legal Report (MLR) dated 22.05.2020 (Annexure P-1). He has further submitted that the matter was promptly and duly reported to the Police as well and his statement was recorded with respect to the altercation which had taken place with the family of the complainant. It has been further submitted that it was only thereafter, the complainant came with a false version to the effect that a week prior to the scuffle between the petitioner and the family of the complainant she had been molested and raped by the petitioner.

Learned counsel for the petitioner has submitted that a perusal of the MLR of the prosecutrix recorded subsequent to the registration of the FIR reveals that there is no evidence of rape reflected in it. It has been further submitted that the petitioner, who has been in custody since 13.07.2020, is a 61 year old poor man who is now being sought to be implicated falsely on the basis of totally fabricated and concocted allegations. He submits that the trial is unlikely to conclude in the near future as only challan has been presented so far. Hence, he may be extended the concession of regular bail.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions

from ASI Daulat Ram, has submitted that the challan was presented before the trial Court and charges are likely to be framed on the next date of hearing. He has further conceded that no definite opinion regarding rape finds reflected in the MLR of the prosecutrix.

Heard.

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner has been in custody since 13.07.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic COVID-19. The present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

January 15, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>
<i>Whether Reportable</i>	:	<i>Yes / No</i>