

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.28198 of 2020
Date of Decision: February 23, 2021

Pardeep Gupta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. R.S.Budhwar, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.38 dated 02.05.2020, under Sections 376-D and 34 IPC, 1860, registered at Police Station, Ferozepur Cantt., District Ferozepur. The petitioner is in custody since his arrest on 02.05.2020.

The above FIR was registered on the statement of complainant-Pooja, wherein it was stated that on 01.05.2020 at about 12.30 in the night, the accused persons had entered her room in the Arya Samaj Mandir by opening the door and committed wrong act with her and after doing so, they ran away from the spot. She came out from the room and called Pandit Ji many times, but he did not reply. One person, who was working as Chowkidar in the truck union, helped her. On these broad allegations, the

above FIR was registered.

Learned counsel for the petitioner contends that the allegations made by the prosecutrix in the FIR are absolutely vague and the version given by her is improbable. He has further invited the attention of the Court to the statement of the victim recorded under Section 164 Cr.P.C. and contended that the name of the petitioner is not even mentioned in the said statement. He further submits that the statement recorded before the Magistrate is also at variance with the version given in the FIR. It is pointed out that the complainant retired as Sub Inspector from GRP and has falsely implicated the petitioner. He has referred the statements of witnesses recorded under Section 161 Cr.P.C. He prays for bail.

On the other hand, learned State counsel has referred the reply by way of affidavit of Barinder Singh, PPS, Deputy Superintendent of Police (City), Ferozepur dated 23.10.2020 to oppose the prayer. He, on instructions from SI Garima, has stated that the trial is in progress and three prosecution witnesses have been examined so far.

After hearing the learned counsel for the parties, this Court finds that the trial is in progress and the prosecution has examined three prosecution witnesses. The trial is likely to consume considerable time to conclude, therefore, considering the above background and the custodial period of the petitioner, this Court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 02.05.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail

bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate,

Ferozepur.

February 23, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No